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BEFORE THE
COMMITTEE ON THE PUBLIC LANDS
HOUSE OF REPRESENTATIVES
ON
S. 5054
AN ACT TO PROVIDE FOR THE DISPOSAL OF TIMBER UPON
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AND FOR OTHER PURPOSES

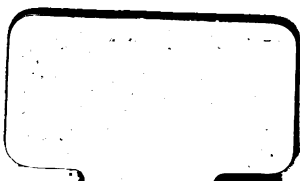
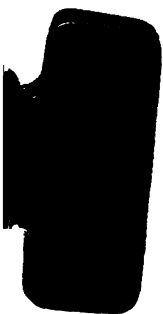


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U.S. Congress. House

COMMITTEE ON THE PUBLIC LANDS,

HOUSE OF REPRESENTATIVES,

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DISPOSAL OF TIMBER UPON PUBLIC LANDS, ETC.

WASHINGTON, D. C., *Wednesday, March 30, 1904.*

The committee this day met at 10.30 o'clock a. m., Hon. John F. Lacey in the chair.

The CHAIRMAN. Gentlemen, we will take up Senate bill 5054, an act to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes. This bill proposes to repeal the timber and stone act, and to authorize the Secretary of the Interior to sell the timber by public outcry or otherwise, under rules and regulations to be prescribed by him, instead of by the present methods; the timber to be first appraised, and public notice given of the time, manner, and place of sale, etc.

I would say to the committee that I have invited some members from each one of the States that are mainly affected by this bill to be present at this hearing this morning, so that we might give them opportunity to express their wishes thereon. There are a good many other gentlemen here who are perhaps not members, but who may want to be heard also.

Mr. NEEDHAM. I suggest that we hear those who are opposed to the bill first, and get their objections to it.

Mr. FORDNEY. Mr. Chairman, I was just going to suggest the reverse. I would like to hear what reasons there are for repealing the present timber and stone act.

Mr. MONDELL. There are quite a number of gentlemen who want to be heard, and it might be well to limit the time, and if all have not been heard, then give further time to any gentlemen later on, after all the gentlemen present have been given opportunity briefly to be heard.

Mr. NEEDHAM. I think we ought to have full hearings, and let everybody have opportunity to speak at length.

The CHAIRMAN. We have a little more than an hour now.

Mr. MILLER. I think Mr. Fordney's suggestion a good one, and I should think that we had better hear first gentlemen who are in favor of the repeal of the law, and let them determine among themselves who of them shall present the matter from their standpoint.

Mr. HOGG. If there are to be any further hearings I would like to have opportunity to appear before the committee on this question, because it is one of a great deal of importance to us in Colorado. But there are others here who will take up the time, and I would prefer to be given some time at a future hearing.

The CHAIRMAN. We can hear you now, Mr. Hogg.

STATEMENT OF HON. HERSCHEL HOGG, REPRESENTATIVE FROM COLORADO.

Mr. HOGG. I understand, Mr. Chairman, that this is an act to repeal the timber and stone act. So far as the stone act is concerned I do not think that amounts to anything. I never could understand why that was made a part of the bill, because in the sections where this act is applicable there is more stone than anything else, and why they should have made this provision in the act for the entry of lands for stone purposes is more than I can conceive.

The CHAIRMAN. A number of very valuable stone quarries have been taken, as I understand.

Mr. HOGG. In my country it does not amount to anything at all. In Colorado we are confronted with this sort of a proposition: That country has been settled up very rapidly in the last twenty years. I went out there myself twenty-five years ago, and it was very difficult to get supplies for building a house, and so forth, where we experienced a great need for timber, and of course all of this land at that time was Government land. We went out there, however—thousands of men went out there—with the understanding that this was Government domain and that we might go out there and build up our fortunes, little or great, as they might be. So we went and helped to develop that country, and I have found this in my own experience, and that is why I oppose the repeal of the timber and stone act.

Colorado, for its development uses, of course, a great deal of timber. The question is, Where shall we get it? We have got it growing right at our doors, and naturally the proposition will arise that there is where we ought to get our timber supplies; and I imagine that the same condition exists also in Montana and other Western States. We are dependent on the things we have at hand to develop that country.

Now, then, under some strange freak, as I look at it, we are reserving large areas under the pretense of making forest reserves of them. I know the President is very much attached to that sort of idea, and I know that the Interior Department is aiding him along that line. But I want to say to you that there has not been done anything by Executive order in the last twenty years that has hurt us as much as the indiscriminate establishment of these forest reserves, because that is what it means when you repeal this act and enact that this timber land shall go under the forest reserves and be administered by the Interior Department without any particular rules regulating the question.

Mr. MONDELL. Judge, will you allow me to ask you a question? Have you any idea of how much land would be perpetually reserved in Colorado by the repeal of the timber and stone law? That is, how much timber land you have in the State that is not reserved now?

Mr. HOGG. I know that in the State of Colorado now there are verging close on 5,000,000 acres to be put in reserve, supposed to be timber land; but we know that in that area there are large tracts of purely agricultural land that ought to be reserved purely for home builders, and ought to be permitted to be occupied by those whom it was the intention of Congress to favor—the men who went out there, and who need homes, and who were going to establish them. And still these vast areas have been withdrawn from public settlement, and the very purpose of the act of Congress in establishing this free home system has been thwarted.

Now, as to the timber and stone act, I must say this: Taking it, of course, by areas, it is very hard to determine just what proportion ought not to be included in these reserves, because we have found in the establishment of forest reserves that the tops of mountains covering hundreds of thousands of acres have been included in the reserves on which there never was a stick of timber and on which nature never intended there should be, because it is above the timber line, and still these gentlemen sitting in Washington have included large areas of such territory on which it is absolutely impossible for a stick of timber to grow.

Then I know there are some thousands of acres included in these forest reserves where the yellow pine grows, and I can state it from absolute knowledge that the yellow pine grows at an altitude where it does not conserve the water supply, because it is in the lower altitude and the trees are scattered far apart. They do not grow thickly, and yet these gentlemen have included this sort of region. Down there in Dolores County and in Montezuma County they have included those areas of yellow pine and have stopped industries there.

Now, it means nothing like so much to me as it does to the people of the State. We must have a lumber supply for the development of that country. If we can not produce lumber that grows upon our ground, we only have two or three places to draw from—Chicago or California or Texas—for timber, and when we get it from there we have to pay the price and pay an exorbitant freight.

How may you develop the country unless you may use the natural resources that are on hand there?

The CHAIRMAN. Let me ask you a question. The situation is different in different States. This timber and stone law was originally to apply to two or three States only, but subsequently by acts of Congress it was extended to Colorado and all the public-land States.

Mr. HOGG. I am not familiar with the surroundings or situations of other States.

The CHAIRMAN. You say you want the timber and stone act?

Mr. HOGG. Yes; I want it.

The CHAIRMAN. If this timber and stone act should be repealed and this bill enacted instead of it, would you desire Colorado to be excepted from its operations or provisions?

Mr. HOGG. I do not think that exactly right, unless there should be some particular reasons why it should be excepted. If under existing laws they will leave us alone, we will not destroy the timber.

The CHAIRMAN. We want to ask the representative of every public-land State who comes in that particular question. The complaint is made that the present law is used for fraudulent purposes in certain localities. I see that there were only 309 timber and stone entries in all in your State last year.

Mr. HOGG. There has been no fraud perpetrated under it in Colorado.

The CHAIRMAN. In some other States the entries have been excessively large, which would indicate fraud. If Colorado is excepted, would it suit your purpose?

Mr. HOGG. Yes; it would suit us very well. We need the timber.

Mr. FORDNEY. You do not feel that your State should be especially favored as against all other States, do you?

Mr. HOGG. No; but it is a part of wisdom to adjust laws to the requirements of different communities.

Mr. FORDNEY. I do not mean to be sarcastic, but I simply mean that the State of Colorado is not more particularly interested in the maintenance of this law than would be Montana or Idaho, for example.

Mr. HOGG. Not much more than Montana. But our conditions are entirely different from the conditions elsewhere. We are so far from supplies that we must use our own, and that is the reason I say I think the law ought to remain as it is.

Mr. MONDELL. What do you think of this proposition—

The CHAIRMAN. In Oregon last year there were 4,209 entries and in the State of Washington 2,096 entries.

Mr. DIXON. How many did you say in Montana?

The CHAIRMAN. I want to ascertain from each member from each particular State what the condition is in his State.

Mr. HOGG. It ought to be made easy to get lumber in Colorado, because we need so much of it.

The CHAIRMAN. Mr. Dixon asked the question about Montana. There were only 375 entries.

Mr. MONDELL. Only 51,000 acres.

The CHAIRMAN. We have heard more complaint about the ruin of that State than any other in the Union.

Mr. FORDNEY. How many in Oregon, did you say?

The CHAIRMAN. Four thousand two hundred and nine.

Mr. HOGG. I am not familiar with the conditions out on the western coast.

Mr. MONDELL. This bill provides, if it should be reported in its present form, that timber on the public domain may be sold at public auction. Would that provision for sale at public auction take the place in Colorado and serve the purposes of the sale of the land and of the timber under the timber and stone act?

Mr. HOGG. In reply to that I will say this, Mr. Mondell, that it seems to me quite a fad with the Administration to sell public lands at public auction. While that may seem to be a very good thing for the Government, I very much doubt its wisdom, if you take into consideration the fact, as I think you ought to, that the public domain ought to be disposed of to those who have need of it.

Mr. FORDNEY. The land where the timber is most thick now is of little value for anything else except for timber, is it not?

Mr. HOGG. I do not think there is any use for it except for timber.

Mr. FORDNEY. Do you approve of the sale of that timber in a way that puts it within the reach of the capitalist and takes it away from the poor man?

Mr. HOGG. No. The fad of the Administration to-day is to sell the public land at public auction. The head of the Administration seems to have forgotten that this public domain ought to be disposed of to those who have need of it, and so I say this idea is wrong in principle, because it gives the advantage to the man with the long purse to gobble up the public domain. And if you put the law in the condition that you may sell the public timber to the highest bidder, the poor fellow who wants that timber and has need of it, and wants a chance to get it, can not come in competition with the man with the long purse. And so I am opposed to that system of disposing of the public domain. I think an arrangement can be made by which all can have the benefit.

Mr. FORDNEY. Do you not think the repeal of the cash entry law in 1889 had the effect of leaving the public domain for the home settler?

Mr. HOGG. I think that is the correct principle, although there are so many reasons why sometimes the poor fellow can not hold out.

Mr. FORDNEY. The cash entry law being repealed in 1889 took it away from the speculators.

Mr. HOGG. Yes; I think that ought to be the purpose of the Government, so that these lands may not fall into the hands of the speculators. If you dispose of the timber lands out in our State to the highest bidders you may get it so that a man who has the most money can make it impossible for the other fellows to get any of it. And I think it is wrong, and I am opposed to it, and I think you ought to leave our timber laws just as they are. It inures to the benefit of the poor fellow who can go in and get 160 acres just as well as George Gould.

Mr. FORDNEY. Do you think that all manner of entry of public lands should be repealed and all sold at public auction? If you repeal one law, ought you not to repeal all the rest of them?

Mr. HOGG. When you sell it at public auction, you place it out of the power or out of the reach of the poor man always.

Mr. FORDNEY. If you repeal the timber and stone act, which takes away the right to the poor man, ought you not to repeal also the other laws by which the capitalist obtains the advantage?

Mr. HOGG. Oh, yes.

Mr. VOLSTEAD. Is there not quite a difference between a piece of farm land and a piece of timber land? But after you get through with the timber, that is all it is good for. It is practically an investment for that purpose only, whether taken up by an individual or by a corporation.

Mr. HOGG. I know of no timber lands that are worth anything for anything else, unless it may be to put into pasturage.

Mr. MONDELL. Is it not a fact that the lands in your State taken under the timber and stone act are pastured to quite an extent?

Mr. HOGG. Yes; to quite an extent.

Mr. VOLSTEAD. Is it not a fact that the lands as disposed of now, to these parties getting them under the timber and stone act—is it not a fact that they have to sell later on, in nearly every instance, to these corporations?

Mr. HOGG. They have the benefit of that.

Mr. VOLSTEAD. That largely accrues to the people all over the country, does it?

Mr. HOGG. It has struck me very strangely that the executive department of the Government has not withdrawn coal entries also, simply because sometime in the future coal is going to be exhausted, the same as they seem to think in regard to timber.

Mr. NEEDHAM. You say the entries under the timber and stone act are for the purpose of getting the timber alone. Why should not the Government get as much as it can for the timber?

Mr. HOGG. Because there has never been a time in the history of this Government, that I know of, when they have disposed of the public domain for profit to the Government. It has always been disposed of for the good of the people who enter the land and not for the enrichment of the Government.

Mr. NEEDHAM. That is true in one respect, but when you come to

the commercial value of the lumber, why should not the Government, instead of getting \$2.50 an acre, get what it is worth in the markets of the world?

Mr. HOGG. Because you simply make the Government seem a competitor with a private enterprise, and I have seen a great deal of that lately. For instance, they are building a dam down in Arizona on that principle, and instead of taking bids for cement to build that dam the Government is going to manufacture its own cement. We in the West are getting the worst of that, because we are manufacturing cement; but still we find that in the East, when there is a proposition that the Government manufacture its own steel for armor purposes, they do not do it. I say that the Government in no instance ought to be permitted to enter into competition with private enterprises, unless you wish to turn this Government over to absolute paternalism and socialism and make the Government stand for everything.

Mr. NEEDHAM. So far as the land itself goes into permanent homes, I do not think any one will disagree with you; but when there is something on the land which is a mere commercial commodity the question is whether the Government ought to give that away at less than its commercial value.

Mr. HOGG. I do not think the Government ought to enter into that sort of business at all.

Mr. MONDELL. Is there very much timber and stone land, or timber land in the State of Colorado that, taking into consideration its location, and the amount of timber, and the market—is there very much that is worth over \$2.50 an acre?

Mr. HOGG. No, sir; very little of it, and I tell you why: In order to get this timber you have got to construct private railways out to bring it in.

Mr. MONDELL. It is claimed that we are selling valuable timber land for \$2.50 an acre, and I wanted to bring that out.

Mr. HOGG. We bought some timber from the State at \$1.75 per thousand, but we have built 4 miles of road and we have not made anything out of it, and the Government timber lands are away back from that, and you can not pay \$2.50 an acre for it and make money out of it.

The CHAIRMAN. Let me submit to you the other extreme proposition: In Oregon and Washington there is land that has on it millions and millions of feet of the finest lumber to the quarter section, where the market value of the timber is said to run up to \$200, \$300, and \$400 an acre, and yet that land is taken at \$2.50 by someone, who immediately turns it over to a lumberman or somebody else.

Mr. HOGG. Does that man make something out of it? He may be a poor devil—

Mr. JONES. I would like to have pointed out one instance of that kind, Mr. Chairman.

The CHAIRMAN. I did not want to stir up an Oregon or a Washington man by making that suggestion. I am suggesting a possible case, and one that is said to occur.

Mr. FORDNER. If that is true that in the State of Washington or Oregon there are vacant public lands that are so valuable, then why do not the capitalists go and take it?

Mr. HOGG. They have found they can not make it pay yet.

Mr. FORDNEY. I have seen, perhaps, as many quarter sections of timber in the States of Washington and Oregon as any other member, and I think that is a mistaken idea.

Mr. VOLSTEAD. Still those are not lands that could be had for homes. Would it not be just as fair to get what they are worth?

Mr. FORDNEY. Let me answer that. Canada sells to-day her timber, and sells it at public auction. As an extreme illustration of the injustice to the public in Canada, I want to give you a concrete case. I was one of the owners of the timber on a tract of 800 square miles that was sold for \$30 per square mile, and all the tax we had to pay was \$3 a year per square mile, and any poor devil who cut timber there went to jail. That whole country is a waste country after the timber is taken off of it, and the poor man can go in there on that waste country and eke out a living, perhaps, by eating ruta-bagas, or something like that, whereas if their laws had been the same as ours the homesteader could have gone in and got out some timber and made a comfortable home.

Mr. HOGG. I thank you, gentlemen, for the hearing you have given me before the committee.

The CHAIRMAN. Now, we would like to hear from somebody who is on the other side of this proposition.

Mr. WILLIAMSON. I would like to ask a question: If it is true that there is land in Oregon or Washington that is worth \$10,000 a quarter section, with timber on it, and that land is lying open and can be taken up and title secured to it for \$2.50 an acre, then why do not some of these men who are howling about that condition go and take it, and make that money?

Mr. MONDELL. I think I shall go. I have a timber and stone right that I have not used. [Laughter.]

STATEMENT OF HON. WILLIAM A. REEDER, REPRESENTATIVE FROM KANSAS.

Mr. REEDER. Mr. Chairman, I am considerably interested in this matter.

Mr. MONDELL. Does the timber and stone act apply to the gentleman's State?

Mr. REEDER. No, sir; but we have no timber.

The CHAIRMAN. I beg pardon, Mr. Reeder, it does apply to your State—to every public-land State in the Union.

Mr. REEDER. I meant that we have no timber lands or stone lands that are being taken under this bill.

The CHAIRMAN. You have no timber or stone to be taken under this bill, but the law applies nevertheless to Kansas.

Mr. REEDER. Yes; you are right as to that.

The interest I have in this matter is purely the interest of a citizen. My information comes from several sources. One is through acquaintances who live in Binger Hermann's district in Oregon. They have been taking this land. They think they have land there that will cut at least 30,000 feet of lumber per acre, which they purchased at \$2.50 an acre under the law. They think this land is worth at least \$100 an acre, but not until such time as this lumber can be marketed.

Mr. MONDELL. When do they expect that to be?

Mr. REEDER. When the lumber is needed.

Mr. FORDNEY. I own land in the State of Washington right on the navigable streams, and there is no land in the State of Oregon worth \$100 on the main streams.

Mr. REEDER. I wish to say further that the Secretary of the Interior says lands have been sold for \$2.50 per acre that are now worth \$100 per acre. Possibly he does not know. However, after these people commenced to tell me about these lands, I secured a system of maps, issued by the Geological Survey, in order to inform myself as to whether such a class of land was available or not. Those maps show that timber on the Chippewa Indian lands which sold for \$15 to \$16 per acre last year would make two to five thousand feet, board measure, to the acre, and that timber on these Western lands will make twenty to eighty thousand feet, board measure, to the acre. The Commissioner may be misinformed about the present value of those timber lands. Maybe he is, and maybe I am; but he nevertheless said lands had sold for \$2.50 per acre that are now worth \$100 per acre, and that we had lost \$117,000,000 on 5,000,000 acres sold before 1902, and at the same rate the 1,750,000 acres sold in 1902 have lost the irrigation fund not less than \$57,000,000 more.

Mr. JONES. In our State where the principal timber is we have too much water. There is no question or necessity of irrigation there.

Mr. REEDER. There is no more important matter than to preserve our timber in such a shape that when it can be used we may be able to sell it for its value. You concede this land is worth nothing after the timber is cut off, so I say, sell the timber for what it is worth—not because Uncle Sam needs the money, but that the irrigation fund needs the money.

I think that the delay in passing this repeal of the timber and stone legislation has cost us more than \$50,000,000 the last year. If it is worth one-third of what the Secretary of the Interior says it is worth, we have lost at least \$40,000,000 from the irrigation fund in the last year. I do not believe that those gentlemen who come from those States are disinterested in their judgment in these matters.

Mr. FORDNEY. Pardon me; what State do you refer to when you say they are incompetent?

Mr. REEDER. I wish to be understood that you have personal interests which might prejudice you.

Mr. FORDNEY. You say these men are incompetent.

Mr. REEDER. I will say simply this, that your interests in these matters are local interests. Anyone who lives in these States is interested locally, and possibly personally as well.

Mr. FORDNEY. I do not live in the West.

Mr. REEDER. I insist the people who live in the West do as we Kansas people do, they look after their own personal and present interests, which would probably bias their judgment if their own present personal interests should conflict with the future good of the nation or rights of the poor to homes on the land.

Mr. FORDNEY. Do you think a Michigan man is looking after his own interest when he wants to maintain and preserve the present land laws to the poor man as well as to the wealthy man?

Mr. REEDER. My judgment is that the present land laws inure to the benefit of the rich. If you can prove to me that it is otherwise, I will be glad to hear it. A carload of men will go and take up this land and turn it over to some corporation or syndicate.

Mr. FORDNEY. Do you know one instance of that kind?

Mr. REEDER. I do not believe I can, without referring to the notices I have in my committee room. I don't know cases personally. Secretary Wilson speaks of such cases.

Mr. FORDNEY. Then you ought not to make a statement of that kind.

Mr. NEEDHAM. Let us hear one at a time, Mr. Chairman.

The CHAIRMAN. How many commutations of homesteads were there last year in your State?

Mr. REEDER. Probably very few; but we were not talking about that question. We were not talking about that, Mr. Lacey.

The CHAIRMAN. There were only 58 commutations last year in Kansas.

Mr. REEDER. Our public lands are nearly all taken, and in many cases they have been secured in large tracts; and as to that I have some knowledge. I know that the poor man, settling where there are large tracts all around him, is crowded out. I suppose one of the greatest trials for murder ever had in my district arose from the fact that a man insisted on keeping his home in a section owned largely by cattle dealers.

Mr. FORDNEY. They do not murder in Washington in that way, and I never knew of a similar case in my experience.

Mr. REEDER. A man who wants a large tract of land for cattle often crowds the small farmers out.

But that is not the question. You asked me to talk about this timber and stone law, and I wish to talk about that for the present. We started in a year ago on one of the most beneficent propositions ever made, to irrigate land for home builders, and you can not irrigate land unless you get money to irrigate with, and if you permit 2,000,000 acres of that timber land, which I think is worth at least \$40 an acre for the timber on it to be sold at \$2.50 an acre, the irrigation fund suffers thereby.

Mr. CUSHMAN. Do you think the men who come from the irrigated States are competent to judge of what is needed in those districts?

Mr. REEDER. I wish to say with the utmost respect to these gentlemen from the arid States that you, in looking after the present particular interests of your constituents, would probably prefer to have large bodies of land together. The interest of the nation is that small tracts of land be occupied and cultivated by the owners of their own homes.

Mr. CUSHMAN. I asked if it is true that the men who live in the timber districts are competent to judge of what is good for the timber land? It occurs to me that those who live in the irrigation districts might also be classed among the selfish classes.

Mr. MONDELL. Is it the gentleman's notion, then, that when we are discussing great public questions we should go in search of information to the men who do not know anything about the question, and who live where the questions at issue have no practical application?

Mr. REEDER. My judgment is that local men would be better informed. But in judging such matters from a national standpoint, I think there are plenty of men who would view this with less personal interest than the local men.

Mr. JONES. We are interested in irrigation in Washington about as much as they are in Kansas.

Mr. MILLER. The gentleman from Washington a moment ago said that question did not trouble them there.

Mr. REEDER. I have letters recently from Oregon stating that there

is nothing more important than that these laws should be repealed. I have those letters in my committee room on this same floor, and one of these letters comes from the manager of the Studebaker Wagon Works at Portland. The Studebakers have probably not sent a chump out there. He thinks these laws should be repealed for the general welfare.

Mr. FORDNEY. He may probably know a lot about wagons, but what in the devil does he know about timber?

Mr. REEDER. These men may not view the matter as they should. For instance, a man may have 20,000 acres under fence, and probably one-fifth of the land belonging to Uncle Sam; should some farmer homestead some of this land inside this pasture he would probably not be able to occupy it. The owner of this large tract may favor irrigation, but not sufficiently to permit these men to take the lands inside of his pasture and quietly utilize them.

Mr. FORDNEY. He is a thief; and if he has fences around the land that does not belong to him and attempts to control it, he is a thief.

Mr. REEDER. If I had one of those cattle ranches I would be like the cattle rancher probably, and take care of myself. The very fact that you gentlemen are interested in keeping these lands still selling at \$2.50 an acre proves to me they are worth more, and that you are also willing to look after present self-interest.

If this gentleman from Colorado thought that the Secretary of the Interior would offer a quarter section of land, or 80 acres of land, with timber on it, it seems to me he would know that a man living next to it could give more for it than anybody else could afford to do.

Mr. WILLIAMSON. Are you sure that we are interested in still keeping these lands at \$2.50 an acre? I am not against the timber and stone act for any such reason.

Mr. REEDER. What is your reason, then?

Mr. WILLIAMSON. I will tell you all right when I come to my own turn.

Mr. FORDNEY. If that would hold good, and the land was worth more than \$2.50 an acre, why was it advocated years ago that the whole State of Ohio should be sold instead of being subject to homestead entry?

Mr. REEDER. If you can manage it so that the deserving settler can go and make a home of that land, I would approve of it.

Mr. FORDNEY. Is it not better to-day that the State of Ohio and the State of Michigan be settled with magnificent farms and cities and towns than it would have been to reserve it as a forest reserve?

Mr. REEDER. If you can convince me that it is better to have owners of large areas of land than owners of small tracts, then I am with you. But I believe that it is our duty to irrigate the lands, so that people may establish homes thereon.

Mr. FORDNEY. The Olympic Forest Reserve in the State of Washington has 8 feet of waterfall every twelve months. I leave that to the gentlemen from Washington. The weather reports show 96 inches of water every year.

Mr. REEDER. If we can get a law that will sell the timber on that land at \$40 an acre and put that money into the irrigation fund it will surely improve the opportunity of the poor to make homes on the land.

Mr. MONDELL. What is to prevent one man from bidding and buying the timber from 100,000 acres under the bill now before us?

Mr. FORDNEY. Why does not the Secretary of the Interior appraise lands to-day in the forest reserves?

Mr. REEDER. As I understand it he has no such authority.

Mr. FORDNEY. I did get up a bill, but we did not get a vote equivalent to a corporal's guard for it.

Mr. REEDER. We say that that timber should not be sold to syndicates or individuals for less than it is worth to the detriment of this irrigation fund. I believe the whole success of the irrigation law depends upon the sales of timber at its value and the retention of the irrigable lands until needed by settlers and irrigated for them.

I do not pretend that I am as well informed as some of these gentlemen are. I have not had time to inform myself, but all the information I get, from every source, indicates that we should be guarded in our disposition of the public domain and the timber thereon. The chairman of the Irrigation Committee—he is also second on this committee—said that when we passed the irrigation law in June, 1902, it was estimated we could irrigate 35,000,000 acres. Since that time, gentlemen, more than 30,000,000 acres have passed into the hands of private owners—and of the best of the land—and largely into the hands of speculators.

Mr. MONDELL. Where does he get his 30,000,000?

Mr. REEDER. From the Commissioner of the General Land Office.

The following is a statement of the acreage disposed of during the fiscal year ended June 30, 1903:

CASH SALES.		Acres.
Private entries	28,899.40	
Public auction	59,058.54	
Preemption entries	14,200.57	
Timber and stone entries	1,765,222.43	
Mineral-land entries	97,046.64	
Desert-land entries (original)	1,025,825.77	
Excesses on homestead and other entries	22,676.71	
Coal-land entries	38,007.88	
Town sites	1,111.02	
Supplemental payments	5.34	
Abandoned military reservations (act August 23, 1894)	1,033.28	
Under sundry special acts	20,809.41	
Total	3,073,896.99	

MISCELLANEOUS.		Acres.
Homestead entries (original)	11,193,120.25	
Timber-culture entries (original)	316.18	
Entries with—		
Military bounty land warrants	26,821.08	
Agricultural college scrip	1,438.28	
Private land scrip	9,954.13	
Valentine scrip	162.86	
Wyandotte scrip	80.00	
Porterfield scrip	40.00	
State selections	1,515,291.23	
Railroad selections	3,864,182.24	
Wagon-road selections	41,183.51	
Indian allotments	6,578.20	
Small holdings	7,357.67	
Donation act	757.59	
Swamp lands patented	2,909,747.88	
	19,577,031.10	
Total area of public-land entries and selection	22,650,928.09	

INDIAN LANDS.

	Acres.	
Cherokee	519. 14	
Klamath Indian reserve	723. 61	
Southern Ute	16, 487. 38	
Ute	48, 630. 27	
Osage trust and diminished reserve	14, 082. 07	
Kansas trust and diminished reserve	301. 68	
Chippewa	2, 883. 98	
Flathead	160. 00	
Omaha	1, 120. 17	
Umatilla	80, 543. 07	
Sioux	81. 40	
Uinta and White River Ute lands	176. 65	
Colville Indian reserve	8, 162. 14	
		Acres.
		173, 371. 56

Grand total..... 22, 824, 299. 65

RECAPITULATION.

Area sold for cash	3, 073, 896. 99
Area miscellaneous entries	19, 577, 031. 10
Area Indian lands	173, 371. 56
Aggregate	22, 824, 299. 65

Showing an increase of 3,335,764.35 acres as compared with the aggregate of disposals for the fiscal year 1902.

The foregoing statement does not include the following entries, the areas of which have been previously reported in the original entries of the respective classes:

	Acres.
Final desert-land entries	264, 533. 62
Homesteads commuted to cash	2, 194, 991. 69
Timber-culture entries commuted under act March 3, 1891	1, 320. 00
Supplemental payments	120. 00
Cash substitutions	1, 398. 23
Abandoned military reservations	4, 642. 10
Act March 3, 1887	160. 00
Final homestead entries	3, 576, 964. 14
Final timber-culture entries	176, 203. 23
Military bounty land warrants	1, 075. 90
Private land scrip	1, 085. 23
	6, 222, 494. 14
Commuted homestead entries, Indian lands	69, 032. 26
Final desert entries, Indian lands	8, 622. 11
Total	6, 300, 148. 51

The number of filings and fees thereon will be found in the following table:

	Number.	Fees.
Preemption, declaratory statement	371	\$1, 082. 00
Homestead, soldiers' declaratory statement	948	2, 060. 00
Coal land, declaratory statement	3, 290	9, 695. 00
Reservoir, declaratory statement	1, 377	2, 877. 00
Valentine scrip applications	5	5. 00
Mineral-land applications	1, 980	19, 800. 00
Timber and stone applications	12, 334	123, 340. 00
	20, 305	158, 859. 00
Mineral adverse claims	324	3, 240. 00
Total	20, 629	162, 099. 00
Miscellaneous fees:		
For reducing testimony to writing, etc.		114, 760. 92
For cancellation fees		4, 047. 00
Aggregate of fees		280, 906. 92

Mr. MONDELL. Does he not include in that all the public lands—lands patented to railroads and to States under old grants and also all lands filed upon and which have not and may not pass into private ownership?

Mr. REEDER. The lands which were disposed of.

Mr. MONDELL. The gentleman is about 15,000,000 acres out of the way if he means the lands that have actually passed from the Government under the various land laws within the year.

The CHAIRMAN. If you mean the irrigable land, you are about 18,000,000 out of the way.

Mr. REEDER. I presume a large part of this is for the best of the land, for the reason that many of these Western fellows went from Kansas, and the Kansas fellows always take the best first.

Mr. MONDELL. Final desert-land entries last year were only 264,000 acres.

Mr. REEDER. I say it, without fear of successful contradiction, that 23,000,000, or nearly 23,000,000 within a few thousand, acres last year were disposed of.

Mr. MONDELL. My recollection is that the land actually passing last year from the Government under the various land laws amounted to less than 8,000,000 acres, and the lands included in original entries, only a portion of which will finally pass into private ownership, amounted to about 12,000,000 acres.

The CHAIRMAN. The whole original entries of last year were between 12,000,000 and 13,000,000 acres, of which between 11,000,000 and 12,000,000 were homesteads.

Mr. MONDELL. I think the gentleman from Kansas will find that of the lands that actually passed from the public ownership last year under the current operation of the land laws, his figures were twice too high.

Mr. REEDER. I think not. We have a report from the Commissioner of the General Land Office, in which he says he thought these laws should be repealed, and a statement that there were three times as many entries under the timber and stone act in 1903 as there were in 1902.

Mr. FORDNEY. If you were in favor of the repeal of the timber and stone act, would you add to it that all other acts under which timber can be taken should be repealed?

Mr. REEDER. I would have the timber sold the same as stumpage.

Mr. FORDNEY. Before you can do that you will have to repeal all other laws by which timber can be located.

Mr. REEDER. I think simply that this particular law is costing irrigation enough to sap its life blood, and that this timber ought to be sold at something near its value.

Mr. FORDNEY. Don't you know that the timber lands owned by the Government are to-day subject to many other kinds of entry other than entry under the timber and stone act—other kinds, such as lieu land selections for forest reserves, base, and so forth?

Mr. REEDER. Every mistake your committee has made, so far as can be done without going back on lawful contracts, ought to be changed.

Mr. FORDNEY. Then you are in favor of the repeal of the forest-reserve laws?

Mr. REEDER. No. That's no mistake.

Mr. FORDNEY. You did not know that anybody in the limits of the forest reserves can go and exchange his holdings for timber lands?

Mr. REEDER. If so, that part of the law should be changed.

Mr. FORDNEY. Do you mean to say that in selling this timber at public auction the speculator does not get it? Nobody but the speculator could get it under that law.

Mr. REEDER. No. You start out and give a poor man a chance to buy timber because he could afford to pay more for it. He would get it, rather than the speculator.

Mr. FORDNEY. He can get it now by paying for it.

Mr. REEDER. Now, I was not prepared to talk to this committee—

Mr. FORDNEY. We have evidence of that fact—

Mr. REEDER. But I do say I believe you are making a mistake that is going to ruin the irrigation project, in that it is going to put the land in the hands of the speculators instead of in the hands of the people.

Mr. FORDNEY. How do you reason that out?

Mr. REEDER. Here is the point: It is so arranged that the speculators can afford to give the purchaser a bonus to take that land and turn it over to them. If they had to pay what that timber is worth and the Government reserve the land for the purpose of assisting in retaining the water for irrigation and for future timber growth, it would surely be better for the poor who are to make their homes on irrigated land.

Mr. RUCKER. The speculator won't pay more to the individual than he has to. In the one event the Government would be making something of it and in the other the citizen.

Mr. FORDNEY. Would he not be just as willing to pay the timber entryman as the Government?

Mr. REEDER. Many of our people out on the prairies there have 20 men herding their cattle.

The CHAIRMAN. Gentlemen, I would suggest that only one of you attempt to talk at once.

Mr. FORDNEY. Mr. Chairman, I did not think I was unduly interrupting the gentleman. We were merely working out the point. I want to say this, Mr. Reeder, that I have been in the land business myself since I was a boy, and I was never able to buy timber from a homesteader cheaper than from any other man who has timber to sell, and in the State of Washington I have paid as high as \$50 an acre to men who took the timber under the timber and stone act.

Mr. REEDER. Did you ever take a carload of men out there to enter land for you?

Mr. FORDNEY. Do you want me to say I am a d—d thief? I have never known of an instance of that kind in my life, and I have been in that business and on the Pacific coast for eighteen years dealing in land. It has been repeatedly asserted, but I never knew of an instance, and I do not believe there is an instance, and I do not believe there is a man here who can point out a single instance of it.

Mr. VOLSTEAD. I know several instances where people went out from my district and took that land, and in all probability they got a few dollars above what they actually paid.

Mr. FORDNEY. I went and took a piece of land in Washington, Mr. Reeder—took a piece of land myself under the timber and stone act.

Mr. REEDER. Then the Secretary of the Interior, in giving these figures and making these statements, has made a mistake. But if it is

true, then I say that is hurting the irrigation fund. That is my reason for believing it has been hurt.

Now, you gentlemen who have been on this committee for years ought to know more than I, but I am taking the report of these men in our Government who are appointed because they are supposed to be men of ability and have particular opportunities to know; and they say this has occurred; and from the inquiries of those people who live in the country, and whom I know personally and whom I visit—from them I also learn it is true, and these sources of information convince me, in spite of all that you people may say who think you know personally.

Mr. RUCKER. How much land have these people you speak of taken?

Mr. REEDER. All that they can pay for.

Mr. RUCKER. Have they had anybody to buy for them?

Mr. REEDER. No.

Mr. FORDNEY. When the Secretary of the Interior sends agents out there who say to the people who want to buy land under the timber and stone act, and the applicants' reply is, "I will sell it," and his proposal is refused absolutely. Do you think that Government agents have any right to say what disposition the entryman shall make of land so obtained under existing law?

Mr. REEDER. I am not posted as to that, but all the information I get from people who ought to know indicates that the irrigation fund is suffering seriously from the disposition of timber lands under this law.

Mr. FORDNEY. You are biased.

Mr. REEDER. I see no reason why I should be. Self-interest might bias a land dealer.

Mr. FORDNEY. Did you ever know a poor man to outbid a rich man in a land sale?

Mr. REEDER. When he lived near a small tract which he needed he could surely pay more for that small piece than a large dealer could. This law should fix it so that the poor man could get the timber, and he could surely get it against the speculator, as it would be worth more to him to the amount he could use. That part of his argument sounded to me as if it ought to be reversed.

Mr. BROOKS. On that proposition Mr. Hogg was speaking from actual experience, and it is impossible for even the large companies to get at the timber lands at a profit.

Mr. REEDER. If it is wrong—if the large timber companies can not get at that timber for profit, and it is sold in small tracts, then the man who needs it in connection with his farm can get it very cheaply.

Mr. BROOKS. Not necessarily.

Mr. REEDER. Certainly he can.

Mr. RUCKER. I understand you have to build railroads or highways to get the timber out.

Mr. REEDER. If a roadway is not there the farmer can not afford to buy at all, nor could he use it if given to him.

Mr. MONDELL. This condition exists over a large portion of the arid region—isolated tracts of timber of a sparse and more or less scrubby growth. It is not worth \$2.50 an acre, or ordinarily \$2 an acre; but a settler will buy here and there a tract of it to enlarge his ranch, to give him a wood lot and a pasture. The small mill owner buys a little of the best of it for the purpose of running a little mill,

cutting from 1,000 to 5,000 feet a day for the supply of the neighborhood. The repeal of the timber and stone act practically reserves that territory, which in my State amounts to probably 10,000,000 acres—reserves it for all time to come. It does not contain enough timber so that anyone will ever go to the trouble of buying it at auction. The only way the Government can get anything out of it is to sell it at \$2.50 an acre, and if it is not sold in that way it will never become a part of the territory that pays taxes to support the institutions of government.

Mr. REEDER. Let him buy the timber for what it is worth.

Mr. MONDELL. Nobody will bid for that sort of timber; besides it is best that such lands should pass into private ownership.

Mr. REEDER. The less they bid the cheaper they get it.

Mr. MONDELL. That is a question I want to put to the gentleman: Does he want to reserve 10,000,000 or 15,000,000 acres in my State—not in Kansas, but in Wyoming, where I pay taxes—does he want to reserve it forevermore from participating in the support of the institutions of my State?

Mr. REEDER. That is exactly the point. You western Representatives, for the present local benefit of getting a tax out of lands that are nearly worthless, sacrifice the rights of this whole nation by crippling this irrigation project.

Mr. MONDELL. I would like to know where the irrigation project is that is being crippled?

Mr. REEDER. We are interested in getting the value of the timber on those lands into the irrigation fund. If it is not much, let the settler have it at its value. You people wish to get these lands deeded so that you may collect taxes from them.

Mr. MONDELL. Certainly; and I suppose the gentleman lives in a State where he does not want lands to go into private ownership to pay taxes?

Mr. REEDER. I am in favor of small holdings occupied by owners, but I am not in favor of large holdings, even if it does pay taxes.

Mr. MONDELL. I do not know a case in my own State where one man owns a section of timber and stone land, and I know considerable about my State.

Mr. REEDER. A man that buys poor timber pays a small price and the man that buys good timber pays a good price, and we would thus put the actual value into the irrigation fund.

Mr. MONDELL. The report of the Commissioner of the General Land Office shows that the cash receipts of the office from various resources during the fiscal year ended June 30, 1903, were \$8,960,471.18. Of this amount the sales of lands at private entry amounted to \$36,577.36, and the sales of land at public auction amounted to \$90,747.07, all of which went into the irrigation fund.

Mr. MONDELL. I want to say to the gentleman this, that it will deprive a considerable number of settlers of an opportunity to buy at a price really more than it is worth, but which they can afford to pay, because it gives them a spring in the hillside, and a wood lot, or a little pasture ground, or what a small mill owner, cutting 5,000 feet a day, can afford to pay.

Mr. REEDER. I argue for the broad proposition that we are losing millions every year for this irrigation fund, or else these people in charge of the disposition of public lands have made a mistake. I can

not talk about any specific proposition, but I say on the broad proposition that the irrigation fund lost \$40,000,000 last year, and gave the reasons above.

Mr. FORDNEY. Do you say that your irrigation fund will have no benefit unless it gets it out of this timber?

Mr. REEDER. I insist the irrigation fund lost \$40,000,000 last year and I can prove it from the report of the Commissioner of the General Land Office for the fiscal year ending June 30, 1903.

Mr. FORDNEY. Do you mean that the Government is going to stop its aid to irrigation purposes unless they get it out of this timber?

Mr. REEDER. No, sir. I say that this timber, if it was sold for what it is worth, would improve the irrigation fund by that much. I do not wish to sell the other lands. I wish to keep them for irrigation and homes.

Mr. FORDNEY. This is not argument, Mr. Reeder. You have argued here that the irrigation fund has lost so much money. I would infer from your argument that the country is never going to get any benefit from irrigation from the Government unless it gets it out of Government timber.

Mr. REEDER. You have made a wrong inference.

Mr. FORDNEY. I asked you the question directly and you refused to answer it. I asked you if this timber is not sold by the Government whether the country is ever going to get any benefit from the other revenues that go into the reclamation fund? Do you not think the Government will appropriate money anyway for irrigation purposes, whether it uses the money taken from the timber or otherwise?

Mr. REEDER. We have said to Congress, "Give us the proceeds of sales of lands in certain States and we will irrigate the arid lands for homes for the people from all parts of this nation, at that we will not ask for any direct appropriation for such irrigation."

Mr. FORDNEY. Who do you count as "we?"

Mr. MONDELL. I want to ask the gentleman one question there: Do I understand the gentleman to say that he understands or that he is informed that the timber that the Government sold last year could have been sold for \$40,000,000 more than it was sold for?

Mr. REEDER. Yes, sir.

Mr. MONDELL. I simply wanted to ask that question because the gentlemen from Oregon and Washington are here.

Mr. REEDER. The Commissioner of the General Land Office, in his 1902 report (see above), who is supposed to know, says it is worth that much more. It is possible it would not have all been sold last year. But if not sold it would be still in the hands of the Government, and would bring that much when timber is needed and before the money is needed in the irrigation fund.

Mr. MONDELL. If the Government had not given the settlers of Ohio the land under the homestead law, it would be worth perhaps \$900,000,000 now, would it not?

Mr. REEDER. There is no reason in such suggestion, as we are favoring giving the public domain to those who will live on it. We object to giving timber to rich corporations for one-twentieth of its value.

Mr. MONDELL. There is no reason in any of it.

Mr. MILLER. Do you or anyone else, so far as you know, claim

that the irrigation fund lost \$40,000,000 last year by reason of the operation of this timber and stone law?

Mr. REEDER. I do.

Mr. MILLER. Who claims it?

Mr. REEDER. The Commissioner of the General Land Office.

Mr. MILLER. I wish you would furnish the committee with the statement to that effect from the Commissioner of the General Land Office. Suppose that these laws applied only to lands in Kansas, and not to any Territory represented by other gentlemen on this committee, and the gentlemen representing the irrigation question here. If you were a member of the committee living in some other Territory would you take the evidence or testimony from the combined delegation of the State of Kansas, thoroughly familiar with the application of these laws, or the statements of gentlemen who live in the other Territories, not knowing anything personally about the question? I am in a position where I have got to be governed by that proposition.

Mr. REEDER. I will concede these men know more about the proposition than I do; but I will say that I think that, while they are as honest as you and I are, still what their constituents wish they would naturally favor, and I can cite you the resolution passed by Mr. Mondell's capital city, where these people were all against the repeal of the law. My idea is that these people would prefer to have the lands in the hands of the large holders than not have it taxed. I do not blame these constituents if it makes for their present local prosperity.

My reasons for insisting we lost \$40,000,000 from the irrigation fund during the fiscal year ending June 30, 1903, by the timber and stone law route are these: First, the statement of Commissioner of the General Land Office for fiscal year ending June 30, 1902, which places loss on 5,000,000 acres previously sold under this law at over \$117,000,000, besides other benefits mentioned in said report, which report I here insert:

The Commissioner of the General Land Office, in his report for 1902, makes the following statement.

"Many lands which the Government disposed of a few years ago for \$2.50 per acre are worth \$100 an acre, or even more. * * * Under this law the Government has disposed of more than 5,000,000 acres of valuable timbered lands and has received therefor about \$13,000,000. The law has been too often violated. Individuals without funds of their own have been employed to make entries for others with large capital, and who paid the expenses, and some wealthy speculators have made enormous fortunes. Had the law been more carefully safeguarded, both as to character of proof and as to price, frauds could have been more successfully prevented and a more adequate price realized for the Government.

"Considering the forests simply as property whose only use is to be converted into lumber and other material of commercial value, the Government has disposed of them at an actual loss of considerably more than \$100,000,000. In other words, through the operation of this law public property worth much more than \$130,000,000 has been disposed of for about \$13,000,000.

"And yet the mere fact that so large a part of the nation's resources has gone into the control of a few individuals or companies is not the most serious effect of the law. The principal injury consists in the loss of control of millions of acres of timbered lands to which future generations of American citizens must look, not only for their supply of timber and timber products, but for protection to the supply of water upon which will depend the fertility of most of the agricultural lands of the West."

The next reason I have is the statements of friends who live near some of these timber lands and who are well acquainted with them and have been for years. They insist that the timber on much of this land that is being sold for \$2.50 per acre is readily worth \$100 per acre.

I have further verified their judgment and that of the Commission

by securing maps of the Geological Survey made for the purpose of giving information as to amount of timber per acre on lands, in board measure. These maps show that original timber on lands in Minnesota and that vicinity will cut 2,000 to 5,000 feet board measure per acre, and I insert a statement of two sales of stumpage of timber on the Chippewa Indian Reservation, in Minnesota, wherein the timber sold for over \$15 per acre on an average:

In December, 1903, there were two sales of timber upon the ceded portion of the Chippewa Indian Reservation, in Minnesota. At the first sale, on December 5, the timber upon 103,027 acres sold for \$1,432,771, an average price of \$13.90 per acre. At the second sale, on December 28, 95 per cent of the timber upon 72,856 acres sold for \$1,218,132, an average price of \$16.70 per acre. The amounts to be received from the various purchases are calculated upon the estimated amount of timber upon the land at a stated price per thousand feet, board measure, but the payments will be based upon an actual scale of the logs when cut. Logging operations now in progress indicate that more than the estimated amount of timber will be cut from these lands. It will be observed that but 95 per cent of the timber was sold at the last sale, the remaining 5 per cent being reserved for reforestation.

The average price per acre of both sales is \$15.06, and the land is retained for subsequent disposition. Had this land been disposed of under the timber and stone act the price would have been \$2.50 per acre for both land and timber. Under these sales the timber on 175,883 acres are sold for \$2,650,903, and the Government still owns the land. If this land had been disposed of under the timber and stone act the Government would have received for both land and timber the sum of \$438,707, a difference of \$2,211,196.

These same geological maps show that the western forests will cut from 10,000 to 80,000 feet board measure per acre; so that it is readily seen that as soon as this timber is needed and can be gotten at it will sell for from five to twelve times as much as the Chippewa timber sold for, or \$75 to \$150 per acre, and the Government retains this land for future timber growth and watershed to retain snow and rains for irrigation where needed.

The report of the Commissioner of the General Land Office shown above says that 1,765,222 acres of this timber land were sold during the fiscal year of 1902 at \$2.50 per acre. If the Commissioner of the General Land Office was right as to the loss on the first 5,000,000 acres sold, the loss on 1,750,000 acres would be over \$45,000,000. If my friends are right in their estimates, or the Geological Survey maps are right, the loss would be much more.

So I feel safe in saying \$40,000,000 were lost in the disposition of this 1,765,222 acres, and hence can not easily overestimate the importance of not permitting this waste of the people's wealth to continue another year, especially when we have a law that will use this money to such great advantage in making homes for those who need homes.

Mr. MONDELL. If the gentleman from Kansas will allow me, I think I can furnish him with what he wants. He referred to the disposition of the public lands. The total disposition of the public lands under all laws to railroads, States, swamp lands, final and original entries last year was 22,650,928.09; but it is erroneous to say that that acreage was "disposed of" under the present land laws.

Mr. REEDER. That is what I referred to, exactly. See report inserted above. It says disposed of.

Mr. MONDELL. The gentleman said that the Government parted title with and lost and passed over title to that much land. I say that the gentleman's figures were twice too high. Of that 22,000,000 acres 12,218,000 acres were original homesteads and 1,025,825 acres were original desert entries. In other words, that is the land that

passed from the hands of the Government added to the lands that somebody filed on, and only making altogether 22,000,000. But following the laws right along year after year only one homestead entry out of three is finally proved up on and only one desert entry out of five is finally proved up on; and when you are talking about the disposition of the public lands under the land laws you must take the public lands that pass from the hands of the Government, and those amounted approximately last year to 8,000,000 acres.

The CHAIRMAN. I think you [addressing Mr. Reeder] made a mistake by confusing those that were applied for as those actually passing title.

The hour has arrived for adjournment, and the committee will accordingly rise, to meet on Friday at 10 o'clock.

Thereupon, at 12.10 o'clock p. m., the committee adjourned.

WASHINGTON, D. C., *Saturday, April 2, 1904.*

The committee this day met at 10.30 o'clock a. m., Hon. John F. Lacey in the chair.

The CHAIRMAN. Now, gentlemen, the subject before the committee is the timber and stone bill. Who are here who want to be heard this morning?

Mr. FORDNEY. If there is anyone here in favor of the bill I suggest that you hear him first.

The CHAIRMAN. The special order is the discussion of this bill to repeal the timber and stone act. Who is there here who desires to be heard either for or against the proposed amendment to the timber and stone act? Mr. Jones, have you anything?

HOWELL JONES, of the Atchison, Topeka and Santa Fe Railway Company. No, sir. I came to hear the discussion, rather than to add to it. I do not think the timber and stone act has ever been made available in our State. I do not know whether our State is included in the act.

The CHAIRMAN. Yes; all the States are included.

Mr. HOWELL. I do not think any grant has been entered under that act in Utah.

The CHAIRMAN. Mr. French, of Idaho, wishes to be heard. Does it affect your State, Mr. French?

STATEMENT OF HON. BURTON L. FRENCH, REPRESENTATIVE FROM IDAHO.

Mr. FRENCH. Yes; it does. I would say this—

The CHAIRMAN. Whatever is said here will be reported.

Mr. FRENCH. I will say, Mr. Chairman and gentlemen, that I am opposed to this bill, and I presume it would probably be courteous in me to give way to those who are in favor of the bill, in order that they may present their case first.

The CHAIRMAN. No; we have been hearing both sides, just as seemed to be convenient.

Mr. RUCKER. What is the number of the bill?

The CHAIRMAN. H. R. 13632 and S. 5054.

Mr. FRENCH. I was here at the meeting the other day when Congressman Reeder, of Kansas, spoke; and I wish he were here at this time, because he made a few statements that I would like to call attention to and answer. It seems that the principal reason that has been presented in urging the passage of this bill is the charge that fraud and irregularities are being committed under the present operation of this law. Those charges have not only been made by the gentleman who presented the other side of this question before the committee the other day, but they have been made repeatedly through the newspapers, especially eastern newspapers; and it seems to me that the country is in a perfect ferment, believing that wholesale frauds are being committed under the operation of this law and other land laws throughout the West.

Mr. MILLER. Does not the Secretary of the Interior make the same charge?

Mr. FRENCH. The statement has been made by several Secretaries of the Interior, as I understand it, and by the Secretary of Agriculture, that frauds have been committed; and this feeling has been prevalent in the East, and the demand has been made in the East, rather than in the West, that these laws be repealed or amended.

I simply wanted, in rebuttal to those charges, to make a few remarks. Before saying anything myself, however, I desire to read a few statements made by a commission appointed last October by the President for the purpose of investigating the operation of these laws and for making a report to the President, that he might transmit the same to Congress.

Mr. FORDNEY. Who is on that commission?

Mr. FRENCH. The Commissioner of the General Land Office, Mr. Richards; the chief of the reclamation service in the Geological Survey, Mr. Newell, and the Chief of the Bureau of Forestry, Mr. Pinchot; and as I mention those names we, of course, are impressed with the ability of that commission.

Mr. MONDELL. That commission does recommend the repeal of this act?

Mr. FRENCH. They recommend the repeal of this, but not, as I understand it, on the charge of gross fraud. Upon page 4 of their report, which they submitted to the President as a preliminary report, under date of March 7, 1904, we find the commission says:

The commission believes that Congress did not intend that this law should be used for the acquisition of large tracts of valuable timber land by individuals or corporations, but it has been used for such purposes. Carefulness and vigilance in its administration can not prevent its being so used. A great number of such entries were recently suspended, but the most rigid investigation failed to show that any considerable proportion of them had been made in violation of the law, and the suspensions were removed. The fact remains, however, that many of these entries were made by nonresidents of the State in which the land is situated, who could not use the land nor the timber upon it themselves, and it is apparent that they were made for speculative purposes and will eventually follow the course taken by many previous similar entries and become part of some large timber holding.

That is from Senate Document No. 188, this session. I simply wanted to put that down as their statement upon this particular bill which we now have under consideration—the stone and timber act; and the consensus of their opinion is that, after the most rigid investigation, it failed to be shown that any considerable portion of these entries had been made in violation of the law, and therefore the suspicions were removed.

Mr. MONDELL. As a matter of fact there have been a great many Government agents working on these suspected cases in the last year?

Mr. FRENCH. Yes. In my State and in the sister States of Washington and Oregon, a large percentage of the cases have been under the careful scrutiny of the Department. Every case has been suspended—at least I know that most of them have—and after the most careful investigation, here is their report, made less than thirty days ago, in which they themselves say that the charges of fraud must fall, and that for the most part they are not true. Now if this bill passes it must be for some other reason than the charge of fraud.

Mr. MONDELL. The gentleman knows, perhaps, that all the entries in Washington, Oregon, Idaho, Montana, and California, as I recollect, were all suspended, regardless of whether there was any charge of fraud or not.

Mr. FRENCH. That is my understanding, since the gentleman called my attention to it.

Mr. NEEDHAM. Is not that recommendation based upon the fact that the law is so inherently weak that it is impossible to detect fraud—upon the ground that it is impossible to detect fraud?

Mr. FRENCH. No, I do not understand that it is that. They say it is possible, under the working of this law, that lands may be acquired by corruptions. They do not say that frauds exist, but indeed the opposite.

Mr. FORDNEY. They do not say that it is not impossible for the corporations to accumulate large tracts of land under any other existing laws?

Mr. FRENCH. The statement is wholly correct, but fraud under any and all laws is not general.

The CHAIRMAN. Your State, Mr. French, is one singled out in which it is charged that there are a large number of frauds. It is the fourth State in the number of timber and stone entries. There were 1,293 entries last year for 195,000 acres.

Mr. MILLER. How many the year before?

The CHAIRMAN. I do not know how many in the year before, but not so many, I should think. It is claimed that this is very heavy timber, and the land is worth \$40 and \$50 an acre, and yet the Government is getting only \$2.50 an acre for it. Your knowledge of all the details in relation to those matters would, of course, be very desirable on the part of the committee to be put in the record.

Mr. FRENCH. Yes. I would like very much to make any statement that would help the committee on a matter with which I am familiar. I would like to call attention to another statement which they make in the report submitted by the Commission on the 7th of March. The different land laws, so far as the East is concerned, do not seem, in the newspapers that have been urging their repeal and publishing arguments for their repeal, to have been segregated one from the other. The one general charge of fraud is made, and the statement seems to apply as well to the desert-land laws as to the stone and timber law. The desert-land law is not under consideration now. But I want to remove the prejudice from the minds of any who may think that frauds are being perpetrated by the wholesale. On page 6 of this preliminary report the Commission says, in reference to the desert-land law:

The Commission is of the opinion that the desert-land law should, for the present at least, be allowed to stand, with a few changes in detail. With the experience of the past for guidance it is possible to enforce this law so that its essential provisions

shall be complied with. When this is done it is evident that the entryman will have earned a patent at an expense too great for speculative purposes.

The number of entries is not so large as to preclude actual inspection of each by an agent of the Government before final proof is accepted, and the required expenditures for reclamation are of such a character as to be easily ascertained. Especial attention should be directed to the proof that an adequate and permanent water supply has been provided.

In other words, they say here in their report that the charges of fraud are not well grounded so far as they are made against the desert-land act.

Mr. MONDELL. What do you say to this argument—it seems to be one of the strongest arguments used—that the lands that are being purchased at the flat price of \$2.50 an acre are, many of them, very valuable, and that therefore the law should be either repealed or amended so that the Government will receive for the timber on the land a price approximately commensurate with its value?

Mr. FRENCH. Well, so far as that is concerned, I would say that at the present time I do not believe there are in any State lands left unsold which are worth anything like \$30 or \$40 or \$50 or \$100 per acre at the present time.

Mr. FORDNEY. Government lands?

Mr. FRENCH. Yes; Government lands.

Mr. MONDELL. The Secretary of the Interior, in a report a year or two ago, made a statement, I believe, that the Government had parted with lands at \$2.50 that were worth, some of them, as high as \$100 an acre, and that we had lost millions thereby. Do you consider that to be a careful and conservative statement?

Mr. FRENCH. No; I do not.

Mr. MONDELL. Is it somewhat exaggerated?

Mr. FRENCH. It is, so far as my observation will go, in my State and other States.

Mr. FORDNEY. As to the proof that it is an exaggeration on his part, is it not true that you could not protect that timber to the Government unless you would also repeal the soldiers' additional homestead scrip, surveyed and unsurveyed, Valentine, Girard, surveyor-general, military bounty land warrants of 1812, Florida war, Virginia war, and Mexican war, and all other methods of filing affecting lands containing timber? Would it not be folly to repeal the timber and stone act alone without repealing all the other laws under which lands could be taken equally as readily as under the timber and stone act?

Mr. FRENCH. Yes. I want to dwell upon that just a little later on. I am glad Mr. Fordney mentioned it.

Now, directly to the question that Mr. Mondell asks in regard to the value of lands at the present time, I would say that I do not believe that in Idaho or any other State there is public land worth at the present time from \$30 to \$100 an acre. There is a great deal of valuable land there, and land that will some time, under other than present conditions, have a value from \$50 to \$100 an acre, but it is not so now.

Now, then, to review the workings of this law in my State, I would say that so long ago as eight or ten years many people who were far-seeing went out into the thickly timbered countries and took up tracts of land under the timber and stone act. They have proved up upon those entries, and some of them took out homestead entries there, and they have finally proved up on them during the last few years, and they have been able to dispose of their 160-acre entries, some of them

for \$2,000 or \$3,000 and some of them for as high as \$5,000; and I believe one man sold a quarter section for as high as \$5,500 that I know of.

Mr. VOLSTEAD. Was that simply timber land?

Mr. FRENCH. It was valuable on account of its timber. Of course, a great deal of this land will be valuable after the timber is gone, but it is immediately valuable only for its timber; and on account of its unfavorable location it would have no marketable value at the present time approaching the figures I have mentioned were the timber removed.

Mr. VOLSTEAD. This land is taken simply for its value as a speculation, is it not?

Mr. FRENCH. Yes; very largely for its value as timber.

Mr. FORDNEY. What do you mean by speculation?

Mr. VOLSTEAD. I mean that a man does not go there with a view of making a home on it.

Mr. FORDNEY. Does a man take land from the Government in any shape or form unless it is in one sense a speculation?

Mr. VOLSTEAD. You are stretching it a little, Mr. Fordney.

Mr. MONDELL. You point out one case where land has been held for a considerable number of years and then sold for \$5,500. Of course you can go back to Iowa and find homesteads that did not cost the entryman a dollar that could be sold now for that amount of money.

Mr. VOLSTEAD. Yes.

Mr. MONDELL. What would be your idea of the average value—if you have knowledge sufficient to form an opinion—what would be your idea of the cash value of the 195,000 acres of land that was taken up in Idaho last year?

Mr. FRENCH. The average value, right at the present time, I would say, would be probably—

Mr. MONDELL. The average cash value at the time the entries were made?

Mr. FRENCH. I presume a thousand dollars a quarter section would cover it.

Mr. MONDELL. You think they would be worth as high as that?

Mr. FRENCH. I doubt it. I would say from \$800 to \$1,000 a quarter section. That is, this is the best land that is available at the present time.

The CHAIRMAN. These locations are constantly the best that can be found?

Mr. FRENCH. Oh, yes.

Mr. FORDNEY. Do you know what it cost to enter that 195,000 acres of land under the timber and stone act? In other words, do you know what it costs a man to obtain title under the timber and stone act?

Mr. FRENCH. Yes; \$2.50 an acre in the first place, and then he must go out to this land and prove it, and have his witnesses, and so forth.

Mr. MONDELL. And he generally has to pay something for the charges of the cruiser on the location?

Mr. FORDNEY. I will explain, for the benefit of the gentlemen here, what it will cost. In the first place, the entryman—not one man out of five hundred, would know how to find a quarter section when he got on it. Therefore he must employ a cruiser, or land looker, to show him the land. He usually pays \$50, or more often \$100, for that information. He must go over the land and examine it before he

makes his application to the land office. He must then make a trip to the land office, and then he must pay the fees for advertising for not less than sixty days or more than ninety days. Between the time he makes his filing and the time he makes his proof he must again go over the land with two witnesses, and the law requires him to go over every corner of the quarter section. He must pay his witnesses to go with him over the land, and if he is incompetent to go and find it himself, as I say, he must employ a cruiser, and also his witnesses, and then he must go to the land office at the time of making his final proof, and he must pay his witnesses going to and from the land office to assist him in making the final proof; and there is not one out of a dozen that gets out of that series of transactions for less than \$750 to each and every client.

Mr. VOLSTEAD. Some people in my town have done better than that, and traveled a thousand miles to get there.

Mr. MONDELL. The cash payment to the Government is \$400?

Mr. FRENCH. Yes.

Mr. FORDNEY. Suppose he pays \$100 to his cruiser, there is \$500 already. How far will your remaining \$250 go around to pay the expense of witnesses and traveling. The entryman must pay for the testimony in making his proof at so much a hundred words. I know it costs oftener \$800 than \$750.

Mr. MONDELL. If a man went all through your State and did all this, Mr. Volstead, his time would be worth something and his railroad fares also.

Mr. VOLSTEAD. His time was worth nothing.

Mr. FRENCH. At any rate, it seems to me that the man who locates a claim under the timber and stone act must be at an expense anywhere from \$500 to \$750, or \$800; and I do not believe there is any land available at the present time under this law that belongs to this Government that could be sold for over \$800 or \$1,000, or that has a market value of over \$800 to \$1,000.

Mr. MONDELL. You say that the average value, in your opinion, of the land taken in the last year might be as high as \$1,000, and that the expense would amount to from \$500 to \$800, allowing the entryman, if he took the land deliberately for the purpose of speculation, and of selling later on, a profit of from \$200 to possibly \$500, at the very outside?

Mr. FRENCH. Yes.

Mr. MONDELL. Now, so far as the lands that still remain in your State are concerned, or that may be located under this law, are there still considerable bodies of land open to entry under this law in your State of equal value to those located last year?

Mr. FRENCH. I would state this, that the economic law of availability fixes the price of everything, and no doubt there is land yet that belongs to the Government that is as valuable as most of the land that was taken last year for timber. Yet, at the same time, it is so remote that it has no immediate value that would bring its present value or price above that which was taken under the timber and stone act last year, and which I have estimated now as really being worth from \$800 to \$1,000 a quarter section.

The CHAIRMAN. There is another way of getting at this question of value. There is forest-reserve scrip, or the right to locate.

Mr. FRENCH. It is worth \$5.50 per acre at the present time.

Mr. FORDNEY. I have quotations on it for \$3.25 per acre now. That is outside figure.

Mr. FRENCH. Then it is less than I had supposed.

Mr. MONDELL. Now, following the question just asked by the chairman, this scrip, or, rather, to be accurate, forest reserve lieu rights, at its highest cost of about \$5 an acre——

Mr. VOLSTEAD. It was \$7 or \$8 a few days ago.

Mr. MONDELL. I never knew of any being sold in my country for more than \$5.25; but at \$5 160 acres of timber land would cost about \$800. The fact that these rights never were above about \$800 for 160 acres would seem to indicate that that was about the highest value of any of that land.

Mr. FRENCH. I have made extra allowance of a couple of hundred dollars on account of competition, which would depreciate the value of the scrip. The competition that exists against the scrip holders on the part of those who may now under the provisions of the general and laws go to——

The CHAIRMAN. For the sake of getting the value for the lieu selections in forest-reserve entries, there being a difference of opinion between the gentlemen, I want to ask Mr. Keegan, who is here, and who is a scrip dealer, to say a word on that point.

Mr. KEEGAN. I am not a dealer, but I use it. It is quoted from \$3.25 to \$3.75 or \$4 per acre, according to the area purchased. In large blocks it may be had at \$3.50.

The CHAIRMAN. It is not proposed to repeal this competition. Is there any way of getting the land without scrip? If this act was repealed would that increase the value of the scrip?

Mr. KEEGAN. A number of people are of the opinion that it would, and I am inclined to think it would, too.

Mr. VOLSTEAD. Is it not a fact that the lieu-land scrip, as quoted, has been worth \$6 or \$7 an acre?

Mr. KEEGAN. Yes, sir.

Mr. VOLSTEAD. We had a gentleman here pleading against the repeal of the right to locate this scrip.

Mr. MONDELL. Is it not a fact that no nontimber lieu rights have ever sold for these high prices? The lands that have been sold for \$6 or \$7 or \$8 an acre have been timbered lands within forest reserves, from which the timber could be cut and then the land exchanged for other timber lands. These high-priced lands had timber on them.

Mr. KEEGAN. So far as the scrip is concerned, or forest-reserve scrip, when desired for locating timber lands, it has gone as high as \$6 an acre within my recollection, but always for small tracts—generally about \$5 or \$5.25.

Mr. FORDNEY. Mr. Keegan, is it not true that the scrip commonly called forest-reserve scrip, that has been sold for some special price above \$5.50, had some special advantage or privilege? For instance, the Northern Pacific Railroad had considerable scrip that would take nonsurveyed lands, which was valuable above the other; and it was that kind of valuable scrip that went as high as \$9 an acre, was it not?

Mr. MONDELL. A man would buy a tract within a forest reserve that was timbered, from which he could cut the timber and then make an exchange for timber land outside. They simply buy land within forest reserves and can exchange for lands outside. It is spoken of as scrip.

Mr. FORDNEY. I want this fact to be established, too. I do not think there was ever a man who purchased land from the owner of land in the forest reserve who ever saw the land, or who ever examined it, or ever knew whether it was timbered or not. The fact was he knew he could exchange it with the Government and get the best land he could find—that is, he could trade horses not seen, but he could always see the horse he was finally going to take.

Mr. FRENCH. The land that is taken by the settler under the timber and stone act is not really worth the exorbitant sum which it was represented to be worth in the committee at its last meeting.

Another fact has been brought out, and that is this: That at the present time you are talking of repealing one law which gives the individual settler opportunity of acquiring lands on a portion of the public domain, and whatever timber may be on it; and at the present time you are permitting still to exist a law by which these corporations who have been granted large tracts of land in the past may surrender, if they are inclosed in the forest reserve, their tracts of land, some of which are almost worthless, denuded of timber, and obtain in place of them scrip, for which they can locate land as valuable as any that can be acquired anywhere.

Mr. NEEDHAM. We have reported a bill to stop that.

Mr. FRENCH. Yes; I am glad that bill has been reported, and I hope it may pass.

I want to say this, that the man who goes on the land and acquires title under the timber and stone act is simply using the right that the Government has granted the settler in building up of the West. The Government has subsidized railroads by granting millions and millions of acres of land in order to encourage railroad building in the West. I do not care to defend that, although I believe it was right at the time. Mistakes may have been made, and the Government has granted land to homesteaders under the homestead law, and under the timber laws; and the State of Kansas itself, so ably represented by the gentleman before the committee the other day, owes its greatness to-day to the policy on the part of the Government of granting free homes in that State, the value of which now is almost out of reason in comparison with the value of the land that is still open to the settler. That is the policy not only followed in Kansas, but in all the central States—the policy that has been followed up to the present time in all the West. And yet here is a movement made and a bill introduced to strike from the individual himself the means, the only means he has left, of acquiring 160 acres, on account of the value that may attach to it, which probably at the present time is not more than \$800 or \$1,000 per quarter section.

I believe in retaining the timber and stone act; and by so doing you are simply doing no other than following the policy of building up the West and encouraging people to go there who will have property on which taxes can be paid. And I believe that the striking down of that law and its repeal would be of great detriment to the people of the West.

Now, turning again, just a minute, to the idea of scrip, I would like to cite a little illustration that occurred in the northern part of my State in the Cœur d'Alene land office only eight months ago. It does not only bring up this law, but it brings up the principle. There is competition at the present time existing between the scrip holder and

the settler. There were two townships there in Kootenai County upon which some 200 settlers have been living for two years. The land was unsurveyed at the time I speak of. The appropriations for surveys fail utterly to provide for the increased settlements in the State of Idaho, and the actual settlements are away ahead of the surveys that can be made as provided by the Government; and so these people had lived upon their lands there probably two years, and the lands were not surveyed. Finally when the land was surveyed they had built their fences and their homes. Some of them were making gardens, setting out orchards, and planting fields.

Then it became known that the land was to be opened upon a certain Monday, I think in October, and on the Saturday before that Monday these 200 men and women appeared at the land office, and they stood there Saturday and Sunday and until Monday; and on Monday a gentleman who had scrip, and who was the right man to present scrip, in that he was personally a big, husky fellow, strong and aggressive, appeared, and with others made a grand rush in order to dislocate this line of 200 men and women. He succeeded better than he had planned and broke in the window of the door of the land office. Then, of course, he was necessarily placed upon the defensive, and to help out the case the settlers took the leader of this gang and threw him out, and he landed at the lower part of the stairway. The settlers then went and filed. The condition of the scrip holders as a result of this experience was so unfortunate for them they did not seriously contest their right to enter the scrip on that land.

But suppose, gentlemen, that the window had not been broken in, and suppose these intruders had got the eye and attention of the land officer first, and had been able to cover that land with the scrip. What would have been the position of those settlers? They might have won out in a contest, but it would have taken a tremendous amount of worry and time and expense for those poor people to have done that who were on that land. The scrip holder had the scrip to hold this land; but this instance which I relate brings out this principle: That the scrip is an article which is in competition with the settler at this time, and if this bill is repealed before the scrip law is repealed you still leave open the means by which this land can be acquired by corporations, and not by individuals.

Some of this land is worthless and was offered for sale in my State for 75 cents an acre and could not find buyers, and yet at the same time it can be surrendered for scrip which the gentleman says is worth \$3.25, and has been worth \$5 and \$5.50.

You will still leave the public domain open to those who own this scrip and deny it to the settlers. Supposing the scrip law stands, by repealing that timber and stone act you will double the value of the scrip in the hands of its owners at the present time.

Now, there is another point that I want to call attention to, and that was suggested by the gentleman from Kansas in his address the other day. He said that probably at the present time \$40,000,000 had been forfeited to the irrigation or reclamation fund by reason of the existence of this law in the past year. I simply wanted to ask him that day, but did not have time, what States those lands were located in, supposing, for the moment, that his statement was true. I do not believe that that timber has the value of \$40,000,000. But supposing, for the sake of argument, that it is true, I wanted to ask him the question,

What would be the States providing those \$40,000,000? Evidently they would only be the States in which this timber and stone act applies—Washington, Oregon, Idaho, Montana, and Wyoming, and perhaps California. Suppose, then, this is true, and the \$40,000,000 could have been raised by this means, would it be right to place that burden indirectly on those States named, of appropriating \$40,000,000 for the reclamation fund in order to help out approximately one-half, or maybe more, of the whole area of the United States? I do not think that, even if were true, it would appeal to any member of this committee.

Mr. VOLSTEAD. Is it not a fact that in some States, under State laws, it is provided that the States shall own that character of land which in the States you mention goes to the Government? In your State the enabling act provided that the land should be owned by the Government.

Mr. FRENCH. The other States have had their growth, very largely, already, while Idaho and a few of these other States in the mountain region have, by reason of their natural conditions, not grown so much. You have had the benefit, very largely, of these laws, even though the lands were vested in the Government when those lands were acquired by the home builders.

Mr. VOLSTEAD. Do you mean to say the Eastern States have had the benefit of that law?

Mr. FRENCH. No; not the Eastern States, but your State had. Your State is not an Eastern State.

Mr. FORDNEY. Did not your State and the Eastern States have the benefit at the time the land was taken? Did not your State [addressing Mr. Volstead] have the benefit of the law at that time?

Mr. VOLSTEAD. The same as your State had.

Mr. FORDNEY. That benefit was the same, only it was just at an earlier date. That is all.

Mr. FRENCH. In refutation of the statements that were made the other day, that these lands were being all bought over by large companies and syndicates, and that they were simply taken up for that primary purpose and motive, I will say that while some of these lands may have been bought up by large companies, yet individuals have received the benefit. And further than that, at the present time there are four times as many sawmills in my State as there were five years ago. These are not owned by large capitalists, but on the contrary by men of small means. We have multiplied the number of sawmills in my county alone four times over within the last few years.

Mr. LIND. I just wanted to ask, for my own information, in regard to the administrative features of this bill. Of course I am new on this committee, but I have read the bill over, and am in a general way familiar with the public-land laws. Would not the effect of this bill in its present form be the practical withdrawal of public lands surveyed until the Interior Department had made an estimate of the timber? I mean if it had any timber—I mean land in our State, for example, until the Secretary had classified it?

Mr. FORDNEY. No; it still leaves the land subject to this classification.

Mr. LIND. I mean in the practical administration.

Mr. DIXON. So far as the homesteader goes.

Mr. LIND. Yes; so far as the homesteader goes. I am not against

the bill, and I do not want to take that attitude; but at the same time this is the condition of affairs that exists in our State: We have in the northern part of the State scattered timber over most of the land. There is very little valuable timber land left; none that has any particular value; but there is pine on it, and it is desired for homestead purposes. Now, the passage of this bill in its present form will withdraw that land from homesteading, and every other method of location indefinitely, I fear.

The CHAIRMAN. Now, gentlemen, this discussion inside of the committee had perhaps better be withheld, in order to give the gentlemen outside the opportunity to be heard, so that they can express their views first.

Mr. DIXON. I would like to ask the chairman, or Mr. Mondell, how many acres there are outstanding?

The CHAIRMAN. I have tried to run it down, and I have found that it is said there are probably 2,000,000 acres.

Mr. MONDELL. The Commissioner of the General Land Office, in his report to the committee some time ago, places the amount of railroad primary limit lands, not yet exchanged, at 2,500,000. That is a very careful estimate. They spent two or three weeks on that report in the division where it was prepared. They gave us an estimate of 2,500,000 of railroad lands within the primary limits. Then, in addition to that, there are several hundred thousand acres of railway indemnity lands.

The CHAIRMAN. From that is to be deducted a large area of railroad land inside the forest reserves, and heavily timbered, which is as good and better than they are able to get outside. And the railroads are not going to give that away until they take the timber off, and that can not be done in a day; so that the land that is now liable to be put on the market in scrip is inside of the two-million limit. Ultimately there would be half a million more.

Mr. MONDELL. Of course the railroad companies, when they have timber lands in forest reserves, are cutting that timber and disposing of it first. We should remember that there are probably three or four hundred thousand acres of indemnity railroad lands in addition to the wagon-road lands and the private holdings.

The CHAIRMAN. Who is there here to represent the other side? I see Mr. Cushman and Mr. Williamson are here. I think we ought to have certain data in the record. For instance, we are trying to find the magnitude, or the amount, of these timber sales in some States. I find here in the reports that there was not a single acre of timber or stone land taken in your State last year [addressing Mr. Howell, of Utah].

STATEMENT OF HON. JOSEPH HOWELL, REPRESENTATIVE FROM UTAH.

Mr. HOWELL. I might state that the General Government has been very liberal in granting lands to schools and other State institutions in Utah. Under the management of the State lands they are sold at \$1.50 an acre, under the State laws, in the State of Utah, so that there is no necessity of appropriating timber and stone lands under the general act when land under the State acts costs only \$1.50 an acre. If a

person wanted to enter a piece of land he has only to indicate to our State landlord.

The CHAIRMAN. I find there was only one completed homestead in Utah last year and only 25 desert-land claims. How did it happen?

Mr. HOWELL. I account for it that way, Mr. Chairman. The person who desires to appropriate any public lands would indicate that desire to our State landlord. That is, if he would select it, he would enter it, and our State law provides that upon payment of 25 cents an acre the State landlord may select it and sell it to the proprietor or to the appropriator. I believe we have more land granted us for public institutions in Utah than we can use for a great many years to come.

The CHAIRMAN. Your State has really driven the National Government out of business there, as regard to sale of lands?

Mr. HOWELL. Yes, sir.

The CHAIRMAN. In Wyoming the State land is held at \$10, and practically excluded from the market.

Mr. HOWELL. Practically all the valuable lands and those capable of making homes at the present time have long since been appropriated by residents of Utah under the homestead and preemption laws. I think the desert-entry lands have been made available to some extent. I have never heard of any fraud or dishonesty in connection with the public lands in the State of Utah.

Mr. VOLSTEAD. Have you much timber in Utah?

Mr. HOWELL. No, sir. The valuable timber there is away up on the top of the mountains, and very difficult to obtain, and expensive in the way of road making before it can be made available.

Mr. MONDELL. Any land in the State, under your State land laws, can be had at \$1.50 per acre, and therefore there is not much incentive to take timber and stone land from the Government at \$2.50 an acre.

Mr. HOWELL. No, sir.

Mr. MONDELL. Your State still has considerable land, has it not?

Mr. HOWELL. I think we had about 1,500,000 acres of land granted us at the time of statehood. I do not think half of that has been selected. That in addition to the four reserved sections in each township.

Mr. MONDELL. That is, you have four sections in each township besides the 1,500,000 acres?

Mr. HOWELL. Yes, sir.

Mr. MONDELL. You have no timber land in Utah of value for general commercial purposes, but simply timber fit for local use?

Mr. HOWELL. That is all. We export no lumber. There is a little timber, I say, on the tops of the mountains, where they cut a few thousand feet, and then it is extinguished.

Mr. FORDNEY. Then you do not care whether this law is repealed or not?

Mr. HOWELL. Only so far as we have an interest in the general growth and development of the country, and to that extent I am in favor of giving due judgment to the experience and recommendations of the Representatives of those States in question. And I am disposed to give more weight to their judgment and their observation than I am to the observation or opinion of those who are urging the repeal of these laws without having any practical knowledge of their workings in the States where they apply.

Mr. MONDELL. You say you do not know how much greater acreage

your State is entitled to under its grants? Assuming that it is all utilized, and that the State has no further land, if that were the case and this bill passed in its present form, there would be no way in which the nonagricultural timber lands could be acquired. You would not, in that event, be in favor of the repeal of this law, would you?

Mr. HOWELL. No, sir; I think there should be a way open. I do not know what provision has been made to take the place of these laws, but certainly I am in favor of leaving an avenue open by which title to these lands can be acquired by settlers.

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STATEMENT OF HON. WILLIAM E. HUMPHREY, REPRESENTATIVE FROM WASHINGTON.

The CHAIRMAN. Mr. Humphrey, have you anything to say to the committee about the situation in the State of Washington?

Mr. HUMPHREY. There are one or two points to which I wish to call the attention of the committee. This is the first hearing that I have attended. I understand they have been urging the enactment of this law repealing the timber and stone act on the ground that frauds have been perpetrated under the existing law. I talked with a special agent who was sent out to the State of Washington some months ago—Mr. Myendorff—who had been sent out and who had investigated a great many of these claims, and he told me that he had not found any evidence of fraud whatever.

Mr. CUSHMAN. How long has he been engaged in that work?

Mr. HUMPHREY. My recollection is that he was about eighteen months on that work, and he told me he had not found any evidence whatever of fraud. I do not believe there has been any fraud, except in the minds of the people of the Interior Department and in the columns of the Eastern newspapers.

Mr. MONDELL. How about these stories that we have heard here, of carloads of men being herded together by lumbermen and carted up there among the hills, and filing claims and taking lands, and then selling them to their employers?

Mr. HUMPHREY. I have heard of that only in the Eastern newspapers.

Mr. FORDNEY. Have you ever heard of any man imported for that purpose?

Mr. HUMPHREY. I never did. I have lived in western Washington for something over ten years, and during the last five or six years I have made a little effort myself to find a timber claim that was worth \$2.50 an acre, and I have not yet found one; and I have walked with that object in view several hundred miles. I have walked 500 miles to find such claim. [Laughter.]

Mr. FORDNEY. What would it cost you? Have you found out?

Mr. HUMPHREY. It would cost me my salary here and my time. [Laughter.] I do not think a man of my experience could locate one in fifteen years.

Mr. VOLSTEAD. Do you not believe that this law should be repealed, then, so that you can buy it more cheaply?

Mr. HUMPHREY. I do not think that this law is allowing land in our State to be sold to people at very much less than what it is worth.

Mr. MONDELL. It is claimed that the lands that have been sold in

your State at \$2.50 an acre are worth all the way from \$25 to \$100 an acre, and that statement has been made officially.

Mr. HUMPHREY. I do not understand exactly what you mean. You might take a piece of land, sold four or five or six years ago, that at that time was not worth \$2.50 an acre, but which now might be worth \$40 or \$50, owing to the fact that improvements have been made on it or railroads have gone to it or near it since that time; but at the time the land was sold it was not worth such a figure.

The CHAIRMAN. There were over 2,000 entries amounting to 300,000 acres in your State. Your State is second in the magnitude of the entries, and the public statements have applied to your State and Oregon more directly than to other States.

Mr. HUMPHREY. Have they cited any example or illustration?

The CHAIRMAN. They have held up every entry that has been made out there.

Mr. HUMPHREY. The judge of one of our superior courts, so I am informed, took up a claim, and it was held up on the ground that he was perpetrating some fraud for speculative purposes.

Mr. MONDELL. Entries are held up on suspicion?

Mr. HUMPHREY. Yes.

Mr. NEEDHAM. Did not the fact that one of your judges took up a claim for timber lands—was it not *prima facie* evidence that he was doing it merely for speculative purposes? Is it not the theory that the purpose of the law is to give him the timber to build a home? Do you justify it purely on its speculative features?

Mr. HUMPHREY. I believe all land that is bought anywhere is bought with a speculative feature in it.

Mr. FORDNEY. I know of a half section taken up on the Columbia River by two men of the name of Martin. The Secretary of the Interior sent a special agent out there to investigate, and because they sold the lands eight months after they had made the final proofs, their entries were canceled. Notwithstanding the fact that they had sold for \$800 a quarter section, their entries were canceled on the ground that they had done it for speculative purposes, and had committed a fraud; and the case was afterwards taken to the Supreme Court, and the patent was ordered to be issued again to them, on the ground that the chief value of that land at the time it was located was because of its timber, and therefore the entrymen had complied with the law in every respect in making their final proof. That is the only case I think of that can be cited in the State of Washington where an entry was canceled for fraud; and yet the Supreme Court said in that case that it was not fraud.

Mr. HUMPHREY. When charges of fraud are made, especially in the State of Washington, I think that we had better get hold of the facts. I do not think that members of Congress, or this committee, should give any weight to general statements founded on mere suspicions of fraud. I presume that this committee, and that members of Congress, can draw their own conclusions as to the fact whether or not fraud has been perpetrated—I think they can draw their own conclusions just as well as can the newspapers and the people in the departments.

Mr. FORDNEY. Did not the Northern Pacific Railroad Company in the last few years sell a million acres of timber land in your State for \$6 an acre—the best timber land in the State?

Mr. HUMPHREY. I only know that in a general way. You take into

consideration the circumstances and conditions surrounding these lands, and there are few of them that are worth any more than you pay for them, because it follows that if such lands were there, they would be taken up. And as I state, you can not find lands that you want to pay \$2.50 for, very easily to-day in the State of Washington. I know that from my own personal experience, and also from coming in contact with a great many people seeking those lands.

Mr. MONDELL. Is it true that a large portion of your best lands have now passed into private ownership?

Mr. HUMPHREY. I think so.

Mr. MONDELL. As a matter of fact, the lands that are now left—the timber lands—are largely lands of less value than those sold heretofore, and contain less timber?

Mr. HUMPHREY. The item of less timber does not enter into it as much as the fact of less accessibility.

The CHAIRMAN. The hour for adjournment has arrived. The committee will now adjourn until next Wednesday at 10.30 o'clock a. m.

Thereupon, at 12.05 o'clock p. m., the committee adjourned.

WASHINGTON, D. C., *Wednesday, April 6, 1904.*

Hon. John F. Lacey, chairman, presiding.

STATEMENT OF MR. T. B. WALKER, OF MINNEAPOLIS, MINN.

Mr. WALKER. Mr. Chairman and gentlemen of the committee, it was not my intention in coming to Washington to make any remarks on the timber and stone question. In fact, my position in reference to it was such that I intended to let it go its course without making any remarks. But, on account of two features that I will explain to you, I think it is proper that I should say what I do this morning. In the first place, to those of you who are not acquainted with me, I will say that I have been engaged in the lumber and, incidentally, the timber business since I left school, and, in fact, before I left there. I have been manufacturing lumber in Minnesota since I began business, and I have handled as many logs and as much lumber and timber as any other person in this country. I have necessarily had to become familiar with the land business of the country, as it has been the basis of my business—not as a speculation, but simply as a supply for the lumber that I was producing for the market. I have been located in Minnesota, in the manufacturing, altogether.

A few years ago, six or eight, I began purchasing timber in northern California, and I intended, when I went in, to buy a batch and let it remain until such time in the future as my generation of sons would want to go there and manufacture lumber. But after going to purchasing I found it necessary, as conditions in that country are peculiar, to get timber enough to make it practicable to get transportation lines into a remote country, where men were living, and who had families, that had never seen a railway line. There was a chain of mountains, the Sierra Nevadas, that runs from Mount Shasta down through and cuts them off. They were over on the tables in the upper Pit River region. Now, when I began to purchase this lumber it had been located for many years, large portions of it by people under the timber

and stone and under the old preemption act, and under State selections, under the laws of the State of California. They were exceedingly glad to have me come into the country, perhaps as much so as any community you ever met. They wanted that country opened; they wanted railroad lines; they wanted me to purchase that timber, as they had no use for it there, and it was a godsend to them, so much so that the old money lender in Fall River Mills said to one of my men last year that they had entirely spoiled his business; that the people living in that region had now paid off their debts, had gotten rid of the mortgages on their farms, and we had spoiled his business entirely—his 10 or 12 per cent loaning of money to those people—because they had received money from these lands they had been holding, and also from others that they had taken up after I went in.

Now, I began exploring, of course, before I purchased, because I had to find out what the timber was good for, and as soon as I began purchasing these people began to take up land under the timber and stone act. They did that in spite of anything I could do or I could try to do, and they did it contrary to my wishes and my interests. It was not for my interest for them to take up a claim. I did not—

Mr. MONDELL. Where were you operating?

Mr. WALKER. On the Pit River, in northeastern California, in a region that lies separate and has been settled for fifty or sixty years. There are no transportation lines in there, and when I started in they were exceedingly glad to have me come, because it would open up the country and generally put them in better condition.

Mr. MONDELL. Did you go in for the purpose of taking land under the timber and stone act?

Mr. WALKER. No, sir. I purchased it from people who had owned it for ten, twenty, or thirty years. I purchased nearly all the whole of the bulk of the land in that way, and I went to purchasing a tract large enough to make it an object to put a railroad line in there that will cost several of millions of dollars, and open it up where no one will ever undertake it.

Mr. MONDELL. And, encouraged by the improvements that you proposed to make, as I understand you, people flocked in and began to take up land under the timber and stone act?

Mr. WALKER. Yes, sir. They went in and got ahead of me because they knew the country. Men living in there, the surveyors and land men, as soon as I began to purchase would take up the land there. I did not want them to take up an acre of land. It was against my interest. After they got them I could not purchase them, or, if I did, I could not pay them their price.

Mr. MONDELL. You could have located ordinarily with lieu rights and in other ways for less than you could purchase of these people?

Mr. WALKER. Certainly; and in that region it is more necessary to have solid timber, because you have to make development in ways that you do not have to do in Minnesota, Wisconsin, or in the other States. You can not drift logs down the streams. The logs won't float, and those mountain streams they do not think of at all; it is absolutely out of the question. It is only by means of transportation lines through that country that you can get your lumber out.

Mr. MONDELL. There is not enough water in the streams to float the logs?

Mr. WALKER. It is right down the rapids; it is in the mountain region, and it could not come out that way.

Mr. FORDNEY. You can't even float small logs?

Mr. WALKER. You can not float anything, excepting on a piece of the Klamath River to the north, between Oregon and California. Their taking up of these claims, gentleman, was not in my interest; in fact, I did what I could to keep them from taking them.

Mr. FORDNEY. The statement has been made here several times, and by one man especially, that in Minnesota, Wisconsin, and Michigan eastern men who are locating land out there have taken men from the East to locate land under the timber and stone act. Did you ever know of any men being taken out West in that way?

Mr. WALKER. I do not believe there has been one single person taken out in the interest of any lumberman in the United States, and I do not know why it should be considered that lumbermen are so absolutely without judgment and understanding that they should go to the expense of taking those people out and going through all that when they could buy forest reserves and locate it cheaper and get a title that there is no question about. A man who has been in the lumber trade as many years as I have been would know that no credit would attach to that; that the information would certainly come out, and he would be paying a bill of expenses to get land that he could get cheaper and on a title that could not be disturbed. And as to the reports in regard to the great frauds that have been committed in that country, which have been charged in the region where I have been more than in any other, except the recent ones in Oregon, I will say to you, gentlemen, they have no foundation whatever. There is not one in a hundred of the people who have taken claims in that country but who have taken them under the law in a legitimate manner, just as they were entitled to do, just as they have done ever since the foundation of this Government almost, under the preemption act, under the old homestead law, and under the dollar-and-a-quarter purchase act of earlier times. Gentlemen, it has not been for my interest that this law should be enforced. I could have taken these lands cheaper than to have gotten them through that agency. I can not understand why they do that. I have been in the lumber business on a greater scale almost than anybody in this country for years, and I can not understand why I would prefer to go around by way of some fraudulent actions to get myself into trouble for the sake of spending a large amount of money.

Mr. FORDNEY. And paying more for your land?

Mr. WALKER. And paying more for my land than was necessary.

Mr. FORDNEY. You have been in the business of buying lands a great many years and have purchased a great deal of land from men who took land under the timber and stone act?

Mr. WALKER. Yes, sir.

Mr. FORDNEY. Have you any practical idea of about what the average cost of a quarter section would be to a man taking it under the timber and stone act?

Mr. WALKER. Well, especially those that went out from the States farther east, where they had to pay their way there, almost all of them had to pay \$100 to some surveyor to locate them on it, and they had to take the witnesses there and pay their expenses there, and their time, and some of them have said to me, "This land would cost me \$600 or \$800, my time and all together, and we can not sell it to

you for anything like what you could have located it for." Now, gentlemen, why would I want them to locate? What reason would there be for any lumberman in the United States to ask men to go out in a fraudulent manner to take any timber when he could go and get a clean title to it without any risk of the law?

Mr. MONDELL. What has been the average price of forest-reserve lieu rights that have been used?

Mr. WALKER. From \$4 to \$4.25.

The CHAIRMAN. What is the general price paid in purchasing from the timber and stone owners, those who have bought under that law?

Mr. WALKER. Some you can get for \$5, some \$6, some \$8, and some for \$10.

The CHAIRMAN. An acre?

Mr. WALKER. Yes, sir.

Mr. FORDNEY. Forest reserve now is considerably cheaper, is it not, than it has been in the past two years?

Mr. WALKER. Yes, sir.

Mr. FORDNEY. I saw a quotation a few days ago at \$3.25 per acre.

Mr. WALKER. Yes; I think so, because they have anticipated some adverse legislation here. That has had something to do with it.

Mr. FORDNEY. If the timber and stone act should be repealed and the commutation clause of the homestead act repealed, it makes a larger field for forest lieu selections and soldiers' additional, and all other scrips by which timber land could be located, does it not?

Mr. WALKER. Yes, sir.

Mr. FORDNEY. It would have a tendency to advance the value of those scrips?

Mr. WALKER. Yes, sir; I suppose it would.

Mr. MONDELL. Do you not believe, as a matter of fact, Mr. Walker, that the repeal of the timber and stone act without any change in the lieu-land laws would very considerably increase the value of forest-reserve lieu rights per acre?

Mr. WALKER. Yes, sir; because it would make more lands that could be entered only with them. It would exclude the common people of this country from any right to take a piece of land and get the benefit of the rights of a value above the cost to the Government, and it would have to be if it is obtained in any way through the forest-reserve lieu.

Mr. FORDNEY. In fact, Mr. Walker, it would deprive the poor man from locating lands where there was timber unless he came in direct competition with the capitalists?

Mr. WALKER. Yes, sir. Now, gentlemen, let me say this before I get through, and I will tell you why I came here. I expect to spend a large part of the remainder of my business life in northern California developing that timber. The people in there believe they have a perfect right, as they have had in all timber States up to the present time, to take up these lands and get the benefit of the difference in price between what it cost them and what they can get for them. That will help them, just as it will help out all the people along the line. I do not want them to understand that, when I come here and recommend, as they suppose I am coming here to recommend, the repeal of the timber and stone act. They know my interest and theirs have been in conflict, and they supposed I would be here in the interest of the repeal of that timber and stone act, and I speak here to-day

most especially because I want them to understand that is not the case.

I would hardly venture to go into that country and build railroads and mills amongst those people if they thought I was here trying to take away their chance to get some profit out of the timber in their region, and get it in shape where it could only fall into the hands directly of men like myself, who will have use for it, and only unless we can use it finally, and it must be done in a large territory in order to do that. So that my coming here and speaking, which I did not intend to do when I came to Washington, is to let them know, as I should let them know, that I have not asked to have the timber and stone law repealed; because they understand that it is in my interest that it should be repealed, and, so far as dollars and dimes are concerned, if you figure it, you will see it should be. But I think they should have this right, as the people have had all along during the past years, in this Government. I have had reasons for investigating and looking it over for many years, and I have discussed the matter in the Interior Department years ago to know about putting these things on a different basis, and they said, "No; the people shall have access to the public lands in such ways as to keep them from falling into the hands of men who will have a monopoly of the timber supply, and through that agency put the price of timber up."

Mr. MONDELL. As it has been insisted that the operation of the timber and stone act aids in the establishment of monopoly of the lumber products of the country, and now it is proposed in lieu of the timber and stone act to enact legislation whereby the Government shall sell at public outcry the timber from the public lands, in your opinion would there be more monopoly or less under the proposed plan than under the present plan?

Mr. WALKER. The timber lands that are remaining are at present in peculiar shape. When you lumbered in Michigan, or Minnesota, or Wisconsin, you took a quarter section of land and drove it in the river and drove it down and sold it. It must be, in California, in sections large enough to establish lumber plants, and when the district is open it must be opened with sufficient area of land that you can give traffic to that road, or it won't be built. So it is necessarily a kind of monopoly, because a man must have large holdings or he can not open up that country. When that is done, as I will do, the others will come in and take the balance they will not sell me, but they will hold them to establish mill business on when the railway line comes in.

The CHAIRMAN. If the timber is sold in the way suggested by Mr. Mondell, the lumbering will have to be done under the regulations of the Department, so that when you get through with the present timber you will not have everything absolutely destroyed. The locating you do there is done absolutely without any regard for the future, is it not?

Mr. WALKER. No, sir; it is not. Mr. Pinchot will tell you that I am the only person in the United States to-day that is following genuine forestry preservation and I expect to follow it.

The CHAIRMAN. That is, one of the theories under this bill is to have the locating done in such a way so as to preserve the timber?

Mr. WALKER. I would be very glad to have you stand in that way. So far as my interests are concerned, outside of the prejudice of those people in California against me, I would like to have you make the

change. I do not think it would be right; I do not think it would be right to the interests of this country. I think it would be unjust to the remnant of the people in the timber States. If you go there, you can find out whether the people want the laws repealed or not—not in the East where these stories are circulated, some of which have provoked me so much.

Mr. MARTIN. If I understand your position since coming into the room, it is that you think your financial interests would probably call for the repeal of this law, but considering the interests of citizens of the State where these timber areas are you want to be understood as not advocating the repeal of the law?

Mr. WALKER. Yes, sir.

Mr. MARTIN. I take it from what you said that your interest is that of a buyer and operator in timber lands?

Mr. WALKER. A manufacturer of lumber.

Mr. MARTIN. Is it not probable, if this law remains as it is, so that citizens can take timber lands under the timber and stone act by making more methods by which title to timber lands could be obtained, it will result logically in reducing the price at which timber land can be obtained, and therefore, as a purchaser of timber lands, are you not benefited by not having this law in force rather than by having it repealed?

Mr. WALKER. No, sir; because I could locate it cheaper through the other means.

Mr. MARTIN. Did you not think that if this method was removed of obtaining title by the timber and stone act, so that the only way to obtain title to the timber land would be through scrip, necessarily the competition in obtaining these lands would be removed, and the price of scrip by its use would necessarily very much increase?

Mr. WALKER. You see the men who get this land hold the price up as high as anyone. They get the maximum price for their land in the markets after they get title to it.

Mr. MARTIN. I suppose they get the market price?

Mr. WALKER. And no one else should refuse to them that price they would refuse to pay to the reserve men that amount.

Mr. VOLSTEAD. The people who come from Minnesota, a great many of them, have gone out there and taken land under this timber and stone act. Is it not a fact that this land can generally be picked up cheaply?

Mr. WALKER. Let me tell you, just before I left a lumber man came down from Crookston and I paid him \$1,400 for a quarter section that I could have located if he had let it alone at \$4.

Mr. VOLSTEAD. If you had stuck scrip on it.

Mr. FORDNEY. He could not have put scrip on it if he had not taken it under the timber and stone act.

Mr. VOLSTEAD. Should we take away the right to use scrip on that timber land?

Mr. WALKER. If you do that, and if you choose to tie up all the remaining timber lands of this country and wish to have the people pay for this lumber, I will say, so far as my interests are concerned, I will have what money I will need.

Mr. FORDNEY. That is to say, it would advance the value of the lands you own now sufficiently so that you would be satisfied to let the other go?

Mr. WALKER. In Minnesota they have been charging from \$6 to \$12 for timber. I did not buy any of it, but I have timber land remaining in that State.

Mr. MARTIN. On the subject of values, if we were to remove the possibility of obtaining title to timber lands by either scrip or by the timber and stone act, the price of lumber would go very high?

Mr. WALKER. It might.

Mr. MARTIN. If we remove the right to obtain title through either of those methods, so that we confined the right to one method, necessarily the value to that extent will advance?

Mr. WALKER. It will tend to restrict, but the location you put in the hands of the Government.

Mr. MARTIN. So if we repeal the timber and stone act necessarily the price of scrip must go up?

Mr. WALKER. Yes, sir.

Mr. MARTIN. And hurt the price of timber land?

Mr. WALKER. Yes, sir.

Mr. FORDNEY. To-day you can not buy land from an entryman who takes it under the timber and stone act as cheaply as you could locate it with scrip?

Mr. WALKER. No, sir.

Mr. FORDNEY. If you repeal the timber and stone act, it brings up the price of scrip to where you pay this timber and stone entryman to day——

Mr. WALKER. It would have a tendency to put it up toward that point. A man purchasing beforehand would not have to pay as much as he would after he got location. In that case there would be no danger of somebody coming in and taking that up.

Mr. FORDNEY. You could rely upon the Government selling it?

Mr. WALKER. It is generally right in among your land, and they can compete with you in doing it, and to whatever extent you have your price up in buying stumpage from the Government you would necessarily consider the value of your timber worth as much as you are paying the Government. You have to maintain the price of lumber this year by the sales last fall, that they are congratulating the country on.

Mr. FORDNEY. In those sales last fall, do you know of any homesteader that purchased any of that land at public auction?

Mr. WALKER. Oh, no. I guess there was nothing less than \$150,000 or \$250,000 purchases. There might have been some smaller ones.

Mr. FORDNEY. It is utterly impossible for the poor man to compete with the capitalists in buying that timber?

Mr. WALKER. One firm undertook to buy a million and a quarter, but I do not remember what——

Mr. MONDELL. Was that a purchase in very large quantities?

Mr. WALKER. Practically all together, not small quantities at all.

Mr. MONDELL. On the question of monopoly of the timber supply, assuming we were to repeal the timber and stone act, and possibly other acts, by which timber land is obtained, and enact a law whereby timber would only be sold at auction, would not that action tend to a monopoly of the lumber interests of the country, because no man of ordinary means could compete with wealthy men in bidding for large tracts?

Mr. WALKER. Yes, sir; it would undoubtedly and unquestionably lead to that.

Mr. VOLSTEAD. You say now, do you not, it is nothing but wealthy men who can handle that lumber anyway? That you have got to build railroads for it, and that the man that takes it under the timber and stone act does not use it? I can not see that it makes so much difference, does it?

Mr. WALKER. I will explain to you a little difference. You can not open up that country without an examination, and having large enough tonnage, and agree it shall go over a certain line or build the lines yourself to open up the country. Now, in the meantime the people go there—small mill men and men that are not in the mill business now—and they take up these lands under the timber and stone act. In California they locate sometimes under the state lieu act. And they would then have this to compete with, as the only way they can ever get in the lumber business, and if there are no more outlets made to reach the balance of the timber, lumber will soon cut right out.

Mr. VOLSTEAD. The Secretary of the Interior could sell it in small as well as in large tracts?

Mr. WALKER. Yes, he could do it; and he attempts to do that by means of refusing to sell it after they have purchased it, and the people must keep it for their own use.

Mr. VOLSTEAD. That has not any application to the question of repeal.

Mr. FORDNEY. It certainly has when they refuse to let a man take 160 acres under the timber and stone act, when he testifies that he proposes sometime to sell it after he gets title to it.

Mr. WALKER. I was speaking about this act to sell at public auction. There it is provided that a person who purchases can not sell the timber again.

Mr. NEEDHAM. Wouldn't that, under the rules and regulations, permit the settlers on the adjoining timber land to take what they want and appraise the value?

Mr. WALKER. If you could establish a method whereby certain persons might take it and others could not, you could specify who might be able to buy and others who had lots of timber holdings could not buy. You might exclude them in that way. Otherwise, if you made a free American plan and operation that whoever paid the most would get the land, whoever owned the balance of the land and had the timber would be likely to buy the timber.

Mr. FORDNEY. Is it not true if the Government would attempt to dispose of their timber in that way those small operators would be subject to such rates as the companies who own large bodies of timber in there and had built their railroads in there would see fit to charge them?

Mr. WALKER. Yes, sir.

Mr. FORDNEY. And it would be utterly impossible for them to get their timber out of there, except over somebody else's railroad?

Mr. WALKER. Yes, sir.

Mr. VOLSTEAD. Is not that true anyway, Mr. Fordney, whether it is handled one way or the other?

Mr. FORDNEY. If you will wait a minute. Is not that true, Mr. Walker, when you are buying lands in California you are desirous of

owning everything in there before you put the railroad in? If somebody takes 160 acres in the midst of your land under the timber and stone act you are going to try to get title to that land before you put money in your railroad?

Mr. WALKER. Yes, sir.

Mr. FORDNEY. And you will pay fancy prices for some of those lands rather than to put your money into the railroad before you buy them?

Mr. WALKER. Yes, sir. That has been my experience in business all my life.

The CHAIRMAN. Mr. Walker, I think we are losing sight of the origin of the timber and stone act. It was not intended as giving additional method of getting land, but it was a limitation on existing land. At that time you could take land at \$1.25 anywhere.

Mr. WALKER. At public sale, where it was described.

The CHAIRMAN. This land was originally \$2.50, and the law was to make it twice as hard to get land. It was limited to just a few States, and subsequently extended to all the public-land States, and the law has only been in force since 1878. If the timber and stone law is repealed you can still take the same land under the homestead law.

Mr. WALKER. Most of these lands are not fit to live on—are not fit for homesteads, and you can not raise anything on them. The land is only valuable for timber, and that makes it still more valuable for timber, because it can be used in future years for reproduction of timber. I expect the lands I own will be producing timber a hundred years from now, and there will be no agricultural settlements on them at all.

Mr. FORDNEY. If the Government wants to retain title to the timber land so as to dispose of it at public auction and get the highest price per 1,000, is it not perfect nonsense to talk about repealing the timber and stone act, unless you repeal the other laws by which timber lands can be located to-day?

Mr. WALKER. Yes, sir; that is correct. They ought to all stand or fall, and whenever they do it there should be some other provision made for handling the remainder of the timber lands. I am not opposed to the Government reservations. I think it is a good thing, and I think that now in the hundreds of townships that have been withdrawn from market (I do not know how many, but hundreds of them have been held out for one or two years), that has interfered very much with my matters in California, those must be taken care of some of these days. The Secretary can not very well hold them out year after year. He must either make them in reserves or restore them to the public domain, and when he does that he ought to have a method of returning them in such a way that those he keeps can be handled by him on a little different plan than the one on which the forest reserves have been handled up to the present time. It is not for my interest that I should say that, but for the interests of this country. I think it put him in bad shape to know what to do with these townships that have so many pieces of land that have been denuded, and railroad lands that have no timber on, perhaps. He does not want to restore them to the domain and have the remainder of the timber taken out. He can not make them into reserves unless you provide he can make reserves out of the public lands.

Mr. MARTIN. What do you think of a general policy if the Govern-

ment would take the actual valuable timber that the Government still owns into a system of forest reserve and eliminate from forest reserve the lands that are not really valuable for timber? How would that work out as a general policy for the future handling and disposition for the Government timber?

Mr. WALKER. I tell you, when you go to making exchanges, when the Government makes a reservation where the timber mostly belongs to the Government, they ought to take title to the remainder of it. In some cases, as you know, it has been complained that there has been cut-over land returned to the Government and good land taken in place of it. Well, that has been, perhaps, exaggerated. The reserves, with the exception of a very few at least, have been made where there is timber land, and the Government ought to make reserves where it is proper it should make them, and they ought have begun in earlier years than they have to reserve for the use of the public.

If you will stop to consider the proposition as we have—which possibly you have not—the necessity for timber and lumber stands in front of clothing, I think, excepting our feed—the value of lumber to us in all the affairs of life. You might get along better without wool, you might get along with almost anything except our feed, than without lumber. The lumber supply ought to be taken care of, and will be taken care of, and something left for the future in large part through the big reservations the Government has taken, and others that ought to be taken, where there is timber that belongs to the Government.

Mr. RODEY. To what extent, Mr. Walker, is the timber land of the United States held in private ownership now? Have you any knowledge of that?

Mr. WALKER. It is reported, of the available timber lands, about 17 per cent.

Mr. RODEY. What is held in private ownership?

Mr. WALKER. Yes, sir; I believe those are the latest figures the Department has made.

Mr. LIND. Isn't it the reverse, 17 per cent remaining to the Government?

Mr. WALKER. No; 17 per cent owned by private parties in the United States of the remaining timber land. The rest belongs to the Government.

Mr. RODEY. About how many acres would that make, in your opinion?

Mr. WALKER. Oh, I could not tell. I think there are some 55,000,000 or 60,000,000 acres now reserved by the Government.

Mr. MONDELL. Sixty-two million acres in the reserve, not all timber though.

Mr. WALKER. Not all timber.

Mr. FORDNEY. And perhaps 100,000,000 acres outside of the reserve?

Mr. MONDELL. There are also 63,000,000 acres temporarily withdrawn at this time.

Mr. RODEY. Is that in addition to the regular established reserves, Mr. Mondell?

Mr. MONDELL. In addition to the reserves that are established there is also—

The CHAIRMAN. A telephone message came over from the Department the other day to the effect that 63,000,000 acres had been reserved.

The forest reservations are 62,900,000 acres. I would like to know if they have not got those two figures confused.

Mr. WILLIAMSON. I have my information from the Land Office. There are 63,000,000 in reserves and 63,000,000 withdrawn temporarily, with view of putting in reserve.

Mr. WALKER. I have never had occasion to look up the amount of these reserves and figure them up of this withdrawn land, but it is a very large amount. Hundreds of thousands have been withdrawn and they stand ready now to put some portion of them in permanent reserves. Of late years the Secretary has been very careful of what he put into reserves, as was the case down in Arizona, and the difficulty that existed up in Washington, that I have heard a good deal about; I know nothing about it except in a general way. Consequently there is no reason for the statements of the great amount of discrepancy between the exchanges of the land which the Government is getting and those which are going out in exchange for it.

Mr. BURNETT. A few minutes ago you spoke about certain proposed legislation having a tendency to considerably increase the price of lumber. Is it not true that in recent years the price of lumber has materially increased without these new enactments?

Mr. WALKER. Yes, sir.

Mr. BURNETT. What has produced the increase in the price of lumber in the last five or ten years, in your judgment?

Mr. WALKER. Well, the fact that the supply through this central region of the country that has been obtained from Michigan, Wisconsin, and Minnesota is being reduced and the supply is less. The demand has been increasing and largely from the fact that the hard-wood timber has of late years been cut away. It formerly supplied the ordinary building operations of the farmer and the people of the smaller towns throughout the country. They use the hard wood, and now you will find only an occasional mill, whereas when I first traveled through the States of Ohio, Illinois, Indiana, and Michigan there was a mill at every crossroad almost, and they were furnishing timber then.

Mr. BURNETT. A great many people have ceased using hard wood and now use soft wood, and that would have a tendency to keep the prices somewhat normal instead of raising them all the time? There is no demand for hardwood?

Mr. WALKER. No demand for hard wood.

Mr. BURNETT. Those, in your judgment, are the proper reasons for the increase in the price of lumber in the last few years?

Mr. WALKER. Yes, sir.

Mr. RODEY. Has not the creation of forest reserves tended to increase the general price of lumber?

Mr. WALKER. To some extent; yes, sir.

Mr. LIND. Do you not think also, Mr. Walker, that the better organization among the lumbermen in our State and the Northwest generally has had a tendency to increase the prices some?

Mr. WALKER. Well; I will tell you. The price of lumber has not been materially changed on that score. There is no trust organization among the lumbermen at all. For the past fifteen or twenty years I have not attended a lumbermans' meeting.

Mr. LIND. I was not asking about yourself.

Mr. WALKER. They meet and talk about grades and one thing and

another. Whenever the demand is in excess of the supply it tends to put lumber up.

Mr. FORDNEY. Is it true that the price of lumber—since 1896 especially—has advanced in a proportion to the price of the other products of the country?

Mr. WALKER. No, sir; not as much—not nearly so much as it has in steel.

Mr. BURNETT. You say it has not advanced as much as the advance in steel?

Mr. WALKER. Nor glass or other material.

Mr. BURNETT. Farm products, for instance?

Mr. WALKER. Well, it is not very much different.

Mr. FORDNEY. To correct you; in the State of Michigan potatoes sold for 15 cents a bushel, and they are selling for \$1.50 a bushel to-day. That is an illustration that lumber has not gone beyond other products.

Mr. WALKER. It has not gone as much as other products, as a general proposition.

Mr. BURNETT. Do I understand you to commit yourself to that declaration that \$1.50 is the normal price for potatoes?

Mr. FORDNEY. In 1896 I was in the flour-mill business, and I bought wheat in the State of Michigan for 46 cents a bushel. What is the price to-day?

Mr. WALKER. I do not know as I figured up exactly the increased price in farm products, as I am not as familiar—

Mr. BURNETT. The gentleman has stated that lumber has gone up on account of the reservation of timber lands and forest reservations, and so on, and that it has had a tendency to advance the price of lumber. It has not had a tendency to advance it any more than the other conditions in the country have had a tendency to advance the price of farm or manufactured products. There has been an increased output since 1896, has there not?

Mr. WALKER. Yes, sir; there is a full supply, so far as I know, in the whole country, and the advance in price has not been so much as in steel, glass, and other things.

Mr. BURNETT. Statistics do not quite bear that statement out, if I understand them correctly.

Mr. WALKER. You may take some eastern statistics and they have increased the price of lumber more than they have out in our region.

Mr. BURNETT. There may be something in that. It is like Michigan potatoes.

Mr. WALKER. Another thing, the price of lumber has been increased through the Retail Dealers' Association in the West, and it has not come from the wholesalers more than was legitimate. The wholesale price of lumber has not increased quite as much as products generally in this country.

Mr. MONDELL. What is the average selling price of ordinary stock lumber in the Pacific coast States in the principal markets?

Mr. WALKER. You see I am not located there. I have not manufactured on the coast at all. I have been located in Minneapolis. The price has been raised from the lowest time in 1873 or 1874 about \$10 or \$11 up to \$14 or \$15.

Mr. FORDNEY. But it is materially below that now?

Mr. BURNETT. That is the price of what kind of lumber?

Mr. WALKER. Mill-run lumber, say in Minnesota.

Mr. LIND. He is referring to the coast.

Mr. WALKER. Not on the coast at all.

Mr. MONDELL. It is not as high as that on the coast?

Mr. WALKER. Not at all. The price on the coast is very low, especially in Washington and Oregon.

Mr. MONDELL. Have you any idea about what it is?

Mr. WALKER. I suppose that mill run, on cars, would sell for about \$7 now.

Mr. MONDELL. About \$7.

Mr. WALKER. Yes, sir.

A MEMBER. Retailing it for about \$20?

Mr. LIND. Not in Washington.

Mr. FORDNEY. It is owing to the grade of lumber.

Mr. WALKER. I bought some for a building I was putting up in Minneapolis, and it cost a little less than \$7 on the cars on the coast, heavy timber that was 8 by 16, and 24 feet long. That is practically mill run.

Mr. VOLSTEAD. It was the price delivered in Minneapolis?

Mr. WALKER. You have to pay the railroad some 40 or 50 cents a hundred to bring it over, and it weighs from 3,600 to 4,000 pounds to the thousand.

Mr. GRIFFITH. What I think the committee would like to know, now that you have given your own experience is, as a citizen now, leaving out your single line of industry, from that standpoint, what would you recommend the committee to do on the subject of repeal, or in the opposition to the repeal, of the timber and stone act?

Mr. WALKER. I will tell you, gentlemen; if I was doing it on the most conscientious ground, without reference to my interest whatever, I would say let the timber and stone acts alone, and let the homestead law remain; let the reserves, so far as they have gone, alone. But provide in the future and for future reservation that the exchange might be made on a better plan than that that has been practiced especially in the earlier part of the forest-reserve operations, and to provide so that the Secretary may hold as a permanent reserve such portions of the land as he has withdrawn or will enable him to do it without having to exchange all the lands in them, good or bad, for good lands outside. That is not for my interest at all, but it is right.

I am here to speak about one other point that I have been waiting to come up with reference to the forest-reserve act. I am interested in some of that and if you will permit me I will tell you what the point is. I have purchased some of those lands in the Arizona reserves. It is all the forest reserve there is on the market. I do not know of a piece excepting in this reservation. The two reservations are the Black Mesa and the San Francisco. The San Francisco is under a contract with the Department, and I understand your committee or no one else would disturb that, as the denuded land, or bare land, has been located down where there were no very valuable lands, and the remainder to be located elsewhere. Now, the Black Mesa lies right alongside of that, and is really a part of it; and men who own timber in this Black Mesa also own timber in the San Francisco, and I have had a contract that I supposed covered both reservations, because the Government certified the title to the Black Mesa lands, and have

copies of the Secretary's certificate, which says it is all ready for location.

Now, come to find out, the contract refers only to the San Francisco Reservation, and this other, the Mesa contract, there was no necessity for. It was practically all uncut-timber lands. He held out his reservation in another strip that took in the timber. I purchased some of that, and I set out to have it located, and in the meantime the Secretary withdrew the land. I do not care to locate all over the United States, but only in certain districts where I want it for lumbering purposes. I am not speculating out of lands, but I am simply establishing a lumber business that will be as desirable an industry in California as any industry in these United States is, and just as necessary and just as desirable. If you pass an act here cutting it off, or after going through an examination it is found impracticable to make an exchange on such a basis as that, I would just as soon abandon the title. I accepted them under the conditions of the laws of the United States. We should have had those lands. The Government has withdrawn these lands, and withdrawn them right out from under me. Even last month it was done. I purchased some of them last month, and I think I am entitled to carry out that understanding—that provision of the law—without being hindered by any act of the laws that you may pass.

Mr. MONDELL. Do I understand you, Mr. Walker, that you have relinquished your title to certain lands?

Mr. WALKER. Yes, sir; relinquished them to the Government and I am not able to make selections now.

Mr. MONDELL. And it is your opinion, so far as the lands, the titles to which you have relinquished, that you should be allowed to make selections as you could have made them at the time of the relinquishment?

Mr. WALKER. I do not see any reason why I might not.

Mr. MONDELL. Do you now own any land within forest reserves the title of which you have not relinquished to the Government?

Mr. WALKER. No, sir; I do not. I think it is all well enough now beforehand to make such, but I think when this forest reserve was made it was carelessly done. But it was run through on the civil appropriation bill, a thing which should have never been done.

Mr. MARTIN. What is the nature of this land you have relinquished?

Mr. WALKER. I understand they are uncut timber lands.

Mr. RODEY. They were in the San Francisco forest reserve?

Mr. WALKER. No, sir; they were in the Black Mesa, or lie right along by the side of it.

Mr. MONDELL. You say the lands you have relinquished title to are valuable for the timber they contain?

Mr. WALKER. That is what I understand, sir.

Mr. MONDELL. Under the provisions of the bill which has been reported by this committee you would be allowed to exchange those lands even after the passage of that bill for other timber lands?

Mr. WALKER. Well, sir, I will tell you. In theory you may say that is true, but in practice it would not be worth very much if you have got to await the variations of times and seasons when some one will go there and examine these 40 acres and look up and see whether you are going to get equally valuable lands somewhere else, because that will be the line upon which it will be construed by the Department.

Mr. MARTIN. As a matter of fact, in practice have not most of the

lands which have been relinquished to the Government been lands that are very valuable for timber?

Mr. WALKER. I do not think that is correct, and I understand that the Secretary looked over the Black Mesa sufficiently so that he said, "I will form a reserve there without any conditions," but in the San Francisco he would not. He laid it out as a checkerboard and said, "You can not exchange any of those lands that have been denuded, because I will not permit it unless you take them down below, where land is not more valuable than the denuded lands.

Mr. MARTIN. I do not understand you to say that there have been large areas of untimbered land in private ownership included in forest reserves which have been the basis of lieu selections?

Mr. WALKER. I do not say that.

Mr. MARTIN. You were referring to this particular reserve?

Mr. WALKER. I was referring particularly to this reserve and reserves in California, where I have used more or less of them. In the Washington Forest Reserve I have had—

Mr. FORDNEY. You bought your lands in the Black Mesa, even though some of it was little timbered or not timbered, but there was not sufficient timber on other lands to make it a fair average or a good body of timber?

Mr. WALKER. I did. I think the Government is under obligations to carry that out. I think they should respect the right of a citizen who has taken—

Mr. FORDNEY. You think the Black Mesa Reservation has less worthless land than the San Francisco Mountains Reserve?

Mr. WALKER. It undoubtedly had less, because the Secretary refused to put it in. Now, he is not working without knowing what he is doing. If there was ever a man on this earth that dug and scratched to turn up all the frauds and everything that ought not to be, it is the Secretary of the Interior. He goes to the extreme with it. He has done that with this timber and stone act, and yet he has in every case, as he did in the last decision I read a day or two ago, over in the Humboldt district in California, where I have nothing to with it, but I heard of the great frauds in there. I said there must be something out there—there could not be so much smoke without some fire. Yet in his decisions he says there was only one case in which that was questionable, yet that man had a perfect right to take his timber and sell it, just as the Supreme Court decided he had the right to do. You take the decision in the Budd cases and it is plain—

Mr. RODEY. There have never been any sawmills on this Black Mesa?

Mr. WALKER. No, sir. Now, to delay for a year or two and go to the expense of examining a piece of land and then see what you are going to take, I would not bother with it for a moment. I would say, "There goes so many thousand acres." Because, while there is timber now, this exploring and examining is expensive, and there is no propriety, there is no justice in it at the present time, because the Secretary has already examined that, and I have got a certificate of all that belongs to the people that I purchased the land from.

Mr. RODEY. If it was not for the action of the Secretary in withdrawing the lands that you wanted to enter you would not have been injured at all?

Mr. WALKER. No. He has been withdrawing it, and withdrawing it; and it is all right.

Mr. FORDNEY. You purchased that, Mr. Walker, in order to get lands adjoining your tract of land in northern California?

Mr. WALKER. Yes; odds and ends, all through there.

Mr. FORDNEY. When you went to make your selection you found the lands you needed had also been included in the forest reserve?

Mr. WALKER. He withdrew one the very same day of several thousand acres. It was all right to withdraw it. But it left me in an unfortunate condition. I bought it and paid for it, and the Government said that if that was relinquished to the United States I might have the privilege of selecting some lands. I did not understand that that would be done in a minute. You have got to get your titles, put it on record, and convey it to the United States, and everything, and all the certificates as to taxes paid; and you have got to get the abstract brought up to date, and then with all this you go to the land office. Now, when you get there you find your land is gone. Now, what are you going to do? If you have got to locate it in a minute, if it is a contemporary exchange, you are out. That has been the practice right along.

Mr. FORDNEY. In case this bill that is known as the "Mondell bill" passes, how much time do you think would be fair and just to you to permit you to select other lands in lieu of it?

Mr. WALKER. I will tell you, Mr. Fordney. You have a bill in here that I noticed the other day that gives the settler, the timber and stone men—if they are not repealed—and the homestead men the right to take up these lands and commute on them, and it gives them ninety days before we can do anything. If you do not provide a bill that will enable the Secretary of the Interior, on reasonable terms, to make forest reserves, why he will hold that out for another year or two until some provisions are made. He can not very well move now without having some different basis, and he ought to have them with reference to anything new he puts in, and with reference to what has already been done there should be changes. It is not fair; it is not right. A legislative act ought not take away the rights of the citizen.

Mr. MARTIN. On the facts of the case, as a matter of legislation, there would appear to be no great injustice to say a man may be given like time and like value in exchange, but you say as a matter of practice you can not get it?

Mr. WALKER. I can not.

Mr. MARTIN. That is a matter of administration. We say, as a matter of law, you shall have like time. Now, on the face of the legislation, is that doing you any great injustice?

Mr. WALKER. If you will go into practice and see the technicalities of the law as administered by the Department as many years as I have, you will see it is a very different matter. On things of that kind I have had about two, three, or four years to get locations made that I was entitled to make by changing the requirements—new kinds of proof, new evidence, putting you off until what you got it for is entirely gone. In the course of several years I might not have any use for it.

Mr. LIND. Do you not think, now, speaking from your general knowledge of public lands, that it might be practicable for the Interior

Department to classify the lands surrendered within forest reservations as, one, two, and three, say, with reference to the timber on them, and in a like manner classify unoccupied, unappropriated public lands at the time of survey or before the plats are returned?

Mr. WALKER. You see most of these surveys that are already made were made twenty or thirty or forty years ago.

Mr. LIND. In cases of that kind, before the suspension is released?

Mr. WALKER. If you do that, you have got years of time.

Mr. LIND. Not if the classification were made before the suspension was released.

Mr. WALKER. Well, they are looking it over now with reference to timbered and untimbered land belonging to the Government.

STATEMENT OF HON. JOHN N. WILLIAMSON, MEMBER OF CONGRESS FROM THE STATE OF OREGON.

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, I have no lengthy statement to make. Mr. Walker has gone over the ground thoroughly, and I became interested in his statement. I have not anything in particular to add. The way the people whom I represent here are inclined to look at it with reference to the repeal of the timber and stone act is this: That it is a step toward giving large timber holders an opportunity to corner the remaining timber. It would have a tendency to, in fact, it does, aside from the commutation clause of the homestead act, eliminate the individual settler altogether and puts the remaining timber directly, through public sale, into the hands of those who are able to pay high prices to secure the balance of the timber. Now, that is the main objection—that is, if you will understand me, it eliminates entirely the individual or resident citizen from an opportunity to secure title to timber. When you put it up at auction there will never be any settlers go to that sale. It will be attended by a few men of means.

I was not present at the sales made recently out in Minnesota, but I have understood that was the case there. I did not hear of any laboring people or residents, or what we call settlers out in our country, being present and bidding at any of those sales. And if that is not sufficient reason not to repeal this law I am at a loss to know what to advance as a reason. I will give you a little illustration that happened in my State under my own personal observation last September. The pine timber on the eastern slope of the Cascade Mountains was being taken; in fact, it had been mostly taken (if I had a map I could show you, but it is not necessary) and, in fact, it was taken in one locality nearly altogether, except one certain township, out of which there was a block of timber of 10,000 acres which was not surveyed. It was advertised in the paper, and in course of time it was thrown open for settlement under our scrip laws, under our timber and stone and homestead and other laws for acquiring title to public domain.

There was an instance where all had an even show. We had our timber and stone law in good working order, and the commutation clause, and all the present laws; and I want to show you who succeeded in getting that land. Three days before the land was thrown open at the land office in The Dalles, Oreg., my neighbors (I am personally acquainted with them), got into their wagons and traveled 120 miles, about 40 or 50 of them, to that land office. They have farms which they

have settled, and they are making homes in the treeless section, and adjacent to this slope of the mountains. They saw the timber going, people coming in from the other States, and they saw scrip men taking up timber, and they therefore wanted to secure some of this timber for their own use for the future, as it laid on the mountainside adjacent to their section of the country. I was in The Dalles at the time and talked with them, and they were rejoiced to think they would get 160 acres of that timber adjacent to their land. Sunday night they stayed up all night. They were afraid that some of the neighbors would get the same quarter section that they themselves wanted. When the land office opened, a gentleman stepped in and said, "I want this land" and pulled out some scrip and took the whole 10,000 acres.

There is just one advantage those settlers would have had if the timber and stone act had been repealed. They would not have been put to the trouble of going in their wagons to The Dalles and back. If you repeal this timber and stone act you put him out of it. At one movement you eliminate the individual settler and put it into the hands of one man. If you put it up for sale, the big man will be there and the little man will not. You put the little man out at one move.

Mr. MARTIN. Is it not true that these lands are now largely in the hands of large corporations?

Mr. WILLIAMSON. No, sir.

Mr. MILLER. The record shows they are not.

Mr. WILLIAMSON. I am speaking now about my district, the district I am representing here. That is the district I am speaking for. I am not acquainted with conditions in other localities.

Mr. MARTIN. Is it in your district that men have been recently indicted?

Mr. WILLIAMSON. Yes, sir. There have been three or four indictments there. Yes, sir.

Mr. FORDNEY. Have any of them proven to be an absolutely fraudulent entry yet?

Mr. WILLIAMSON. No, sir; they are under indictment.

Mr. FORDNEY. Do you know of your own knowledge, absolutely, of any fraudulent entries?

Mr. WILLIAMSON. No, sir; I do not. They are turning patents over now by the hundred down here from this section of the country. They have sent inspectors down there and gone over it and over it and over it. Much has been said about "frauds" in my State. The people have been held up like a set of horse thieves.

Mr. MONDELL. After holding up for two years thousands of entries under the timber and stone act, the Department has found comparatively few cases, a very few cases, where a fraud could be proven.

Mr. WILLIAMSON. That is the case.

X Mr. VOLSTEAD. Do not these charges originate from the fact that a few parties were getting possession of that land and it was supposed it was a scheme on the part of those persons to secure a title through those parties?

Mr. WILLIAMSON. No, sir. I have seen various ideas advanced in the newspapers as to where they originated, but I can tell you where they did originate. They originated from the fact that, owing to the timber having become of value in the last three or four years on the Pacific coast, generally speaking, a rush has been made into the timber district under the timber and stone act, commuted homesteads, and all

other ways of securing title. In order to secure title to that timber there has been such a rush in there that it has produced a suspicion that they were all sent there by somebody. The Secretary of the Interior in his last two reports thought there was fraud there, because there was so much land taken up. The land was taken up because it had become of value, not because these people were all sent there to take the land up.

Mr. VOLSTEAD. It was largely nonresidents that went there and took it?

Mr. WILLIAMSON. No, sir; not by any manner of means. There were some nonresidents, but I am right from there and know what I am talking about. I live right in the center of that country. I can have my secretary bring you in twenty minutes 100 affidavits from 100 of my neighbors who took a lot of that land. Those were not outside people.

Mr. MARTIN. In regard to the incident you refer to, when so much of it was covered by scrip, as a matter of administration is there any reason why the register of that land office should have refused the applications of your 50 neighbors in favor of another man who applied at the same moment?

Mr. WILLIAMSON. I suppose the first man who attracts the attention of the register—

Mr. MONDELL. If the scrip man had been the first man in that line he would have had the right to file?

Mr. WILLIAMSON. I think the man who first attracted the attention of the register.

Mr. FORDNEY. That is the rule.

Mr. LIND. But only as to one entry.

Mr. FORDNEY. One entry of scrip will cover the earth.

Mr. LIND. Oh, no.

Mr. FORDNEY. If you have got scrip enough you can make one application for 100,000 acres of scrip with it.

Mr. LIND. You have got to designate a separate tract for each.

Mr. FORDNEY. You file a list of it.

Mr. WILLIAMSON. In answer to the statement that is broadcast over the country, is it not a roundabout way for a man who wants timber to pick a settler or individual and have him go to some locator—send him 2,000 miles, possibly, over a railroad, and send him into the timber and wait six months or a year for him to get title and furnish him the four or five hundred dollars, and take chances of some other man coming along and outbid him? To men who have been up against it it is certainly ridiculous. To look at the theory it seems fairly plausible, but come to inquire into it there is nothing in it. I had notice in my mail that sixty patents had been issued to my neighbors yesterday.

Mr. FORDNEY. I want to say that in Humboldt County, to which Mr. Walker referred a few minutes ago, I was locating land in 1886 and 1887, and the Government was carrying on a tirade against timber and stone entries right there where they are now; and I do not know of a single case in the Humboldt district where an entry has been canceled.

Mr. WILLIAMSON. I believe that four-fifths of this outcry against the timber and stone act originates from people who want to take out of the market the remaining timber.

Mr. NEEDHAM. Do you and Mr. Hermann disagree on this?

Mr. WILLIAMSON. I do not know. He furnished me with a lot of data about this question.

Mr. NEEDHAM. I was under the impression he had recommended it while Commissioner.

Mr. WILLIAMSON. There are so many things brought up here about Oregon—it has been talked about more than any State in the Union in connection with frauds under the timber and stone act, and so on. I want to just mention the fact that one-fourth of the State of Oregon is withdrawn for forest reserve—15,000,000 acres withdrawn in that State for forest reserve.

Mr. FORDNEY. Temporarily withdrawn?

Mr. WILLIAMSON. I think about half of that. Perhaps not quite half of that is permanently claimed; the other half is pending. And there is another thing I would like to call your attention to. The timber and stone act has done more to develop Oregon in the last three years than all of the balance of the land laws put together. It has doubled the assessible area of real estate in that State, and in the eastern part of that State—I will not include the western part. It is the cause of three railroads being projected into the central part of eastern Oregon, which is the largest area in the United States at the present time without a railroad, and when you repeal this law you simply strike at the development and growth of that section of my State.

Mr. LIND. Under your State law do you tax timber and stone entries as soon as final proof is made?

Mr. WILLIAMSON. They are having that out now.

Mr. FORDNEY. Is it not true that the manner of entering land has brought into your district several small mills that are now in operation?

Mr. WILLIAMSON. Yes; and the railroad is being extended down to the southern part of the State because there are several men there that want to build mills. The timber has been standing there for years. It is coming of value.

Mr. MARTIN. In those forests of Oregon, will new forests spring up and grow when the old trees are cut away.

Mr. WILLIAMSON. You see, Oregon might be divided into two separate districts, based upon the climatic features. The eastern part of the State is a high, arid country, and the western part of the State is a low, humid country. In the western part of the State the trees will grow spontaneously, rank (you can scarcely keep them down by fire as far as that is concerned), but in the eastern part of the State—I would say it would be slow of growth over there.

Mr. FORDNEY. It is an arid district?

Mr. WILLIAMSON. Yes, sir.

(Thereupon the committee adjourned.)

WASHINGTON, D. C., *Wednesday, April 13, 1904.*

The committee met at 10.30 o'clock a. m., Hon. John F. Lacey in the chair.

STATEMENT OF HON. WESLEY L. JONES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON.

Mr. JONES. Mr. Chairman and gentlemen of the committee, I did not care particularly about saying anything, but I wanted to hear what was said in reference to these matters.

Of course our State has a great deal of timber land, and the application of the timber laws to our State, of course, is a matter of much interest to our people, although there has not been a great deal of agitation out there for the repeal of the laws or discussion of them one way or the other. I will say this: That I have received quite a number of letters and communications in reference to the repeal of the timber and stone act in our State, and from persons in our State, and everyone of those letters has been opposed to the repeal of the law. And I will state also that those letters have come from simply ordinary citizens throughout the State and persons who are not interested in any speculations of any kind.

I suppose it has been charged that a great many illegal entries have been made in the State of Washington under the timber and stone act, and yet I do not know of a single one that has been pointed out. I do not know of a single person who has been arrested in our State for any illegal entrance under the timber and stone act. I do not know of a single entry that has been canceled by reason of a fraudulent entry in our State. And therefore it seems to me that the burden rests upon those who are charging fraudulent and speculative entries to show something.

Now, there is no doubt but there have been a great many entries made in our State under the timber and stone act in the last year or two, or last two or three years, probably. My observation has been that those entries have been made in perfect good faith by the ordinary citizen of our State. I know that a great many clerks and a great many business men and a great many laborers and ordinary persons have been making these entries. These entries have been made for their own benefit. Of course they expect, probably, to make some money out of them, but I do not see anything reprehensible in that. In my judgment the chances are that a great many persons who have made these entries are persons who had five or six or seven hundred dollars, and who put that money in there and will never get their money out, because the chances are that there may come a depression in our prosperous times after a while and these lands will go down in value.

Furthermore, probably a great many have taken up lands that are not accessible to the railroads and not accessible to water transportation by which the logs can be gotten out, and therefore the land will probably lie there for many years without any buyers, because I have noticed that a great many persons who have taken up these lands probably do it without a very careful investigation of the facilities of getting the timber on the land to the market, and there are persons, of course, who located these people in the timber interests. There is quite a craze now for acquiring timber lands, or has been such a craze, and I think the members of the committee know how people go in matters of this kind—a good deal like sheep—and a good many locations have been made on lands that are not worth in fact what the persons have paid to locate there and to the Government for the land.

A great many entries are suspended by order of the Secretary of the Interior. I talked to one of the Government inspectors at Seattle who was investigating the bona fides of these entries. He had, I think it was, 600 entries that he was directed to investigate. He had investigated then between 300 and 400, and he told me that he had not found a single fraudulent entry in that whole list.

Referring again to the character of the men who have taken up these

entries, I have in mind a couple of young men who were working on a farm last summer. I happened to be brought in contact with these young men and they were talking about taking up entries of land. They were going to do this simply for their own benefit, they said. They said "We don't own any land and we would like to own some land of our own." And I think that is the sentiment among a great many of our people. They take some pride in owning some land, whether it is very valuable or not.

The American likes to feel that there is some part of the earth that belongs to him, and these young men in question said, "We would like to own some land, and this is the only law under which we can purchase any land from the Government." They were unmarried men, and they said, "We can not settle down." They had to depend on their labor for their means of subsistence, and they said they could not live on a portion of land, a great deal of it, and make a living; but they wanted to acquire some land that they might make something of, and they were discussing a proposition of taking up some timber land. Some persons had told them about some land they thought they could get. After discussing the matter as to the likelihood of getting title very soon under the present conditions, and also as to the likelihood of finding land that would be accessible to transportation, they finally decided they had better keep their money—their \$400 or \$500, or whatever it was—as they would have to pay an additional \$100 to a man to locate them.

I think entries now are not going on as rapidly as they were a year or two ago.

Mr. LIND. As a matter of fact there are no valuable lands left in your State for entries of this character?

Mr. JONES. I am inclined to think that nearly all the land that is available—that is, that would likely be available in the near future—has probably been taken up; but I think this, that the great majority has not been taken up under the timber and stone act, but under the Loup land forest-reserve act, and I want to say a word or two about that. In my judgment, this cry of fraud has come under the operation of the Loup land forest-reserve act. We did not hear much about the repeal of the timber and stone laws generally until the last two or three years, when we have confined the selection of these Loup lands to surveyed lands.

The older members of this committee will remember how I bothered this committee in a former Congress in regard to the lands in the forest reserve. The first year I was here I spent a great deal of time trying to get these selections restricted to surveyed lands. When the law was originally passed they could select unsurveyed lands, go anywhere, and under that thousands of acres of the best timber land were taken up, and lands that are not available for timber were surrendered to the Government. There is no question about that in the world, and I think it is out of that that this cry of fraud has largely come, and the fraudulent entries, if there are any fraudulent entries in our State, have been where the Government has been robbed of valuable land and not received compensation. I think that has been done under the Loup selection made of forest reserves and not under the timber and stone act.

I have heard something said about the value of these timber lands, and it has been said that land worth \$100 an acre the Government has

been selling for \$2.50 an acre. Well, I do not know of any lands that are worth \$100 an acre that could be gotten for \$2.50, and if I did I would try to get some of them. I have never used any of my timber rights under any of the land laws. I have not been able to find any land anywhere near that value. In fact, I do not think I would run the risk of putting in \$600 or \$700 or \$800 and run the risk of getting it out in ten or fifteen years.

But there is no doubt about this; there are lands in the State of Washington that have timber on them which, if accessible, would be worth \$100 an acre. We think we have lands with the very best timber on them in the United States. But, as I said to the governor a moment ago, the land that is available, or that will be accessible in the near future, has practically all been taken up. Up in the mountains, way back from railroad transportation and the rivers, there are sections of the country that no doubt have as fine timber on them as can be found anywhere in the State.

Mr. LIND. But that has been reserved?

Mr. JONES. No. They have not reserved the good timber land of our State in forest reserves. They have not gone down to where they ought to and included forests; they have gone up in the mountain tops and around the edges.

Mr. NEEDHAM. While it is true that a quarter section of land may not be worth \$500 or \$600 to you as a speculation, would it not be worth a good deal more to corporations that could get, say, 100 quarter sections in one body?

Mr. JONES. Certainly.

Mr. NEEDHAM. Do you not think under the operation of the timber and stone law these corporations can put 100 men in one section of country, each of whom takes up a quarter section, and then the company afterwards can buy this from them at, say, a nominal increase; do you not think that the operation of the law in that way permits companies to get large bodies of timber land and then they simply take off the timber and abandon it?

Mr. JONES. They might be able to do that, Mr. Needham. I do not suppose you could find any law which might not be perverted from the intention of the law, but I do not know of a single instance of that kind in our State, not a single one.

Mr. FORDNEY. Could not that be done by the sales of land?

Mr. JONES. Yes; if they acquired the land that way. I understand that one company acquired over a million acres. They got it under the Loup selection process.

Mr. MARTIN. What has become of the land under the timber and stone act; it has been worked out in some way and sold?

Mr. JONES. I can not speak very much from personal experience, I have not had much to do with timber, and I have not heard much about the taking up of the timber lands, because in the last two or three years, I think that a majority who have taken up land under those acts still hold those lands.

Mr. FORDNEY. How many acres were thrown open by the order of President McKinley in the Mountain Forest Reserve?

Mr. JONES. I think about 300,000 acres.

Mr. FORDNEY. I know that the most of that land has been settled upon.

Mr. JONES. Yes, that land was settled upon, a great deal of it,

before the forest reserve was established. The forest reserve was established, and many of those people had to forsake their homes, and then after it was opened up again a very large settlement went in there.

Mr. FORDNEY. Those lands are being patented to those people to-day, and when patents issue is there any good reason, is there any law, that prevents those people from selling to anybody that may come along?

Mr. JONES. I do not know of any.

Mr. FORDNEY. Therefore one man could go in and acquire title to the whole 300,000 acres?

Mr. JONES. Yes, sir.

Mr. FORDNEY. And it was not taken under the timber and stone act?

Mr. JONES. Yes; any man in this country can go around and buy all the land that he has the money to buy.

A MEMBER. What kind of land is that?

Mr. JONES. Some timber, but I think the Government regarded it more for agricultural purposes. That is the reason they shut it out from the forest reserves.

A MEMBER. It is largely open prairie country?

Mr. JONES. No; but they considered it more valuable for homestead purposes. Mr. Fordney knows more about that than I do.

Mr. FORDNEY. There is some bottom land that is in the valleys that is very good farming land, but nine-tenths of the land thrown open to settlement at this time was well timbered land, fir, spruce, and cedar, the best that occurs on the Pacific coast.

Mr. JONES. With reference to the land up in there I venture to say that five years ago that land, if it had been on the market, would have sold at a very low figure, because there was then no prospect of any railroad. There was no railroad in there and no way of getting the timber down to the water. Of course that is an important feature in connection with it. But now it would be valuable, because there is a railroad heading that way, building up the coast and getting up to that country.

Mr. FORDNEY. Now, for the benefit of the gentlemen present, I want to make this statement. I have a letter in my pocket, which I have received in the last week from a party in Seattle, saying that they have under option forty thousand-odd acres of land that was thrown open to settlement under that act withdrawing those lands from the forest reserve. It is now held and offered at \$10 an acre. There are 40,700 and some odd acres.

Mr. JONES. That would mean a great deal to that country even if the company does get hold of it, because heretofore there has been no use made of the timber, and there have been no lumber mills, no sawmills, no settlements in there except what few agricultural people were located in there. If this land should go into the hands of large owners and they should go to establishing mills in there and go to manufacturing that timber into lumber it would bring people in and prosperity to that country and a great development that they have not had before; but if they go into the hands of single owners that could not be done. If the railroad goes in there that means people coming in, and that will mean more settlers, and I understand that quite a considerable portion of that country when it is cleared off is good farming land.

Mr. FORDNEY. The best under the sun.

Mr. JONES. And will make fine homes whenever they can get the means of getting out.

The CHAIRMAN. That can not be taken under the timber and stone act.

Mr. FORDNEY. Yes.

Mr. JONES. I suppose it is really more valuable for timber, although it is good agricultural land after the timber is off.

Mr. FORDNEY. In last March a year ago the Supreme Court decided in a case where the lands are located on the Columbia River that the intention of the law in taking land under the timber and stone act was that its chief value when located was the timber. It was claimed there that this land was extraordinarily good soil, the choicest in the country, although it has some 16,000,000 feet of timber per quarter section on it. The Federal courts at Tacoma decided, and the case was appealed to the court of appeals in San Francisco and finally brought here, and all three decisions held that the intention of the law was that when lands were taken under that act their chief value was the timber and stone, and not what it could be made.

Mr. VOLSTEAD. Do those stumps ever rot out?

Mr. FORDNEY. Very little. They blow and blast them and get them out and clear up and at great cost—from \$100 to \$150 an acre for the cost of clearing—but it is very valuable after it is once cleared.

Mr. VOLSTEAD. The stumps do not decay very rapidly?

Mr. FORDNEY. No; not in a lifetime.

Mr. MARTIN. In your State, Mr. Jones, do these timber lands naturally reforest after the timber is cut off?

Mr. JONES. Yes; they reproduce themselves in our country.

Mr. MARTIN. Do these private companies that are now using the forests of your State for commercial puposes clear the land generally of all the timber, or do they only take out the large trees?

Mr. JONES. I think they dig out practically all of the timber that is marketable.

Mr. MARTIN. Now, as a matter of fact, do those timber lands thereafter become utilized to any great extent for agriculture, or do they not?

Mr. JONES. In some sections they do. On the lower lands, on the Sound, when you get down out of the mountains, there is pretty good land there apparently. As was suggested a moment ago, it is quite expensive to clear it. Even after you get the timber off it is expensive to cut the stumps off.

Mr. MARTIN. It does not cut any figure of consequence, does it, in the matter of adding the lands in your States which are being practically used for agriculture?

Mr. JONES. Not at the present time, but yet in the near future I think that a great deal of that land will be taken up and homes made out of it; because you take the lower lands there and you find the land is very rich, especially in the production of hay, and so it makes splendid dairy land, and when you get the stumps out they raise splendid crops there.

Mr. MARTIN. Then, if I understand you, your judgment is that the timber and stone law ought not to be repealed, so far as the necessities of your State are concerned?

Mr. JONES. No; I do not think so. I do not see any necessity for it.

Mr. MARTIN. If there was a repeal you would prefer to have your State excepted?

Mr. JONES. I think so. In fact I look at it this way: I understand the proposition is to substitute the sale of the timber. It seems to me that that simply places the timber interests of the country in the hands of the capitalists absolutely.

Mr. VOLSTEAD. Is it not doing that now anyway?

Mr. JONES. I will admit this. To work this timber you have to get it in pretty large bodies, and yet there are many places throughout our country where there are small mills which handle it in small quantities; but in the first instance, as it is now, the ordinary citizen does get some benefit out of it, he gets some benefit of it, although some may lose what they put in. But the citizen would not get any benefit out of it if you sell the timber, because there is no ordinary laborer or homesteader that is going to try to buy timber, because they can not do it.

Mr. MARTIN. What would you think of extending the forest reserve over all the remaining valuable timber belonging to the Government and disposing of your timber under the forest-reserve regulations?

Mr. JONES. If that was practical in this country, I do not know that I would oppose that, although that would result probably in the capitalists getting the full benefit, and we know how many opportunities there would be of fraud there, when we consider our vast domain. It is not like a small country in Europe, where they can do that. Probably the State of Washington alone has more timber than several countries of Europe. I doubt the practicability of that at the present time. I will admit its desirability, probably, but I do doubt its practicability. I do not know even that it is desirable at the present time.

Mr. FORDNEY. I wanted to ask in that connection from the gentleman from Minnesota (Mr. Lind), do you know of any small capitalist or small operator that succeeded in getting a single 40-acre lot of timber sold by the Government in the Indian reservation last fall?

Mr. LIND. No; that was clearly covered by the testimony the other day; but the situation in our State is different from Washington. Now, I spent some little time in Washington myself last fall and I do think that in Washington it is practicable for two or three men to club together—and I found lots of cases of that kind—and get three or four quarters and put up a little cedar mill, or a shingle mill, or a small saw-mill. There were 130 of them building last fall in your State when I was out there. My son is in the lumber business out there and so I had occasion to investigate. In our State the situation is different, and of course it is tending that way in Washington, too. In our State it is absolutely in the hands of a few large concerns.

Mr. FORDNEY. Mill owners?

Mr. LIND. Mill owners and the little operators have no opportunity to cut or manufacture at all. They do sometimes buy—not at the reservation sales, however—160 acres or a few quarters from the States where they have an opportunity to log and run them into a stream and then sell the logs; but they can not and do not buy for manufacturing. That is correct, is it not?

Mr. VOLSTEAD. Yes, sir.

Mr. FORDNEY. There are 160 mills in Wahkiakum and Skagit counties alone, in your State.

Mr. JONES. Yes; I know that we have them all over there, especially on the west side of the mountains. On the west side of the mountains in my State lumbering is the industry, and if you destroy that you

destroy the prosperity of that section of the State. It is not agriculture but it is lumbering there, and we do not want anything done that will retard that. That lumber is not being wasted, it is being used; it is being manufactured and is being used. And in this connection I want to say a word or two as to the price of lumber. That has been mentioned a few times in the hearings here.

Lumber has been higher in our State for the last two or three years than it was five or six years ago. But why is that? I do not think it is because of the timber and stone act or anything of that kind. I think that the price of lumber in our State is largely due to natural causes. Six or seven years ago there were very few buildings going up in our State anywhere. I do not know how it was in yours, but in our State there was very little building being done anywhere. There was no demand for lumber and lumber was low; lumber was cheap. For the last five or six years we have had buildings all over the country, buildings have been going up in every town and hamlet and village and city and there has been building going on all the time, and that naturally has created a demand for lumber. And what are the facts? I have talked with lumber mill owners in our State and they have said that they have had orders six and twelve months ahead that they could not fill.

Mr. LIND. That is not the condition now, unfortunately.

Mr. JONES. Probably not, because building has stopped somewhat. In other words, we have our buildings up; in other words, I have my building up, so I have no demand for lumber; and other people have their buildings up.

The CHAIRMAN. What about your fences?

Mr. JONES. I have them up, but I build them of wire now. And so lumber is going down.

Mr. LIND. As a matter of fact, the great demand in your State is the export demand?

Mr. JONES. I suppose that has been the large demand, although we have had an enormous local demand also.

Mr. LIND. But I doubt whether it has amounted to 7 per cent of your export business.

Mr. JONES. That may be. I know we have an immense export trade, but I take it that our condition in the last five or six years has not been the exception throughout the country. I take it that six or seven years ago in Minnesota you were not building a great many houses, but you have built a great many more in the last five or six years and that has made a great demand for lumber.

The price of lumber is going down now and the rush for timber lands is going down also. In other words, the people throughout the country are not so anxious to get hold of timber land because they do not see so much in it, or perhaps they have not so much money laid aside. For instance, referring again to those two men that I spoke of, they had saved up some money and wanted to invest it. When the time comes when people are not saving as much money they will not be looking around for this kind of an investment.

Mr. VOLSTEAD. Will there be any difficulty in getting lumber from the Secretary of the Interior; would there be any difficulty why he could not sell it as they sell land now in our State?

Mr. LIND. I believe I can answer that. Unless Congress absolutely limited the method of sale strictly, there would be difficulty. For

instance, at the sales that took place in our State last fall the requirements were that an individual might bid for separate tracts—forties, eighties, sections—and then make a blanket bid for the whole township, or as large an area as he saw fit. Now, the result of that was that he could make a larger bid—that is, a man with ample means, ample capital, could make a larger bid for a whole township than he could for isolated tracts, and I think the sales in our State were made to not to exceed five individuals by operation of that fact.

Mr. MARTIN. The Leech Lake sale?

Mr. JONES. The Leech Lake sale I refer to. I speak from general information, although I have looked into it a little. Unless we limit the sales of our simple reserve lands, the corporations or individuals, on condition that it be occupied by the purchaser, the same rule is going to throw all the lands that may be sold or all the timber that may be sold from time to time into the hands of the larger corporations. It is inevitable.

Mr. FORDNEY. Is Bass Lake on the Great Northern Railroad? I am trying to fix in my mind the name of a lake in the Rice Lake Reservation, on the Great Northern road. I have been there, and I think it is Bass Lake.

Mr. JONES. There is a Bass Lake.

Mr. FORDNEY. I know this much. I know that that firm has a mill there where they manufacture about 10,000,000 feet a year out of that reservation—Government land. They must cut it from dead matured timber. It so happens that about 10,000,000 feet every year in that reservation burns, and that company buys it and cuts it.

Mr. JONES. I would say this: That it seems to me we ought to be careful before we make any changes; we ought to be sure that we are not going to something worse, and I think that any proposition that would turn all the timber lands of this country over into the control of one man to dispose of the timber on it ought to be considered very carefully in detail. I think that we are putting things a little too much in the hands of the Department. It rather strikes me that this Government is getting to be pretty nearly run by the Departments, and we had better go a little slow before we put too much power of this kind in the hands of one man.

The CHAIRMAN. This bill provides—

That it shall be lawful for the Secretary of the Interior to sell to the highest bidder, at public outcry or otherwise, under such rules and regulations and subject to such conditions and restrictions and in such quantities as he may prescribe, the right to cut and remove, within such period of time as he may fix, any timber from any unappropriated, nonmineral, surveyed public lands, after having had such timber duly appraised and after giving public notice of the time, terms, manner, and place of such sale.

Mr. JONES. Yes.

Mr. MARTIN. Is not there a question of constitutionality—

Mr. LIND. No; we can impose any limitation we see fit on the sale.

Mr. MARTIN. Even to the extent of prohibiting after alienation?

Mr. LIND. I think so, because we treat that as personal property.

Mr. MARTIN. I very much doubt it.

Mr. JONES. I am not discussing the particular terms of this bill.

Mr. LIND. If there is any objection on that account, we might lease, might we not—adopt a different method, a method of leasing certain sections or certain area in the forest reserve for twenty or

thirty—well, from five to thirty years—for the purpose of removing the growing timber thereon?

The CHAIRMAN. This is the bill that passed the Senate. I wanted to call especial attention of the committee to the phraseology here.

Mr. LIND. I thought it was 5054.

The CHAIRMAN. It is the same bill.

Mr. LIND. I want to say that the worst language denominated law came from that same Commissioner's Office; and not only once, but frequently.

The CHAIRMAN. I wanted to get the attention of the committee to the exact language of this, because this is the thing the committee is working on, except that the Senate bill has an additional paragraph that provides the money received shall go into the irrigation fund.

Mr. BURKE. The timber being forest until it is severed from the stump, do you think the committee could put such a restriction on it?

Mr. LIND. We could by way of lease.

Mr. BURKE. Leasing the right to occupy?

Mr. LIND. Leasing the right to occupy and imposing any condition we saw fit on our lessee.

Mr. JONES. It has suggested itself to me, and I will suggest it to the committee for what it is worth, that it is not practicable, probably, to put in the forest reserve all the Government lands that have timber on them; but we have some forest reserves, very extensive ones, especially in our State, and some of the other States, and you might try it as an experiment on some of those forest reserves, to see whether it worked well to have the Secretary dispose of it without repealing the timber act so far as the public domain is concerned.

The CHAIRMAN. They are doing that now to some extent.

Mr. JONES. They have not gone to the West to do it. Where there have been transportation facilities to make it valuable it has been done; but take it out of this country where these laws apply and experiment with it and see what they can do on the reservations already established.

I will conclude, Mr. Chairman. I do not think our people want this act repealed. I do not believe it will be to the best interests of our people to have it repealed. We want people in our State. We have a State there of nearly 70,000 square miles, and we have probably 750,000 people. People are coming there now expecting to get homes and wanting to get property and wanting to get some of the public lands of the country, and they do it not so much for speculative purposes as to get homes. It means much to our State. The lumber industry on the west side of the mountains is the life of that country, and we do not want anything done that will interfere with that. We want public lands preserved as much as possible for the good of the people.

The CHAIRMAN. When this bill was passed it only applied to a few States; it applied to Oregon and California and Nevada, I believe. It was intended as a privilege, but was an innovation. At that time all of the land could be taken under preemption and purchase, and this land was placed at \$2.50 instead of \$1.25. It was not a privilege extending to your people, but it was a privilege extending to all the land and limiting it to \$2.50. Subsequently, in 1878, I believe it was, this was extended to all of the public-land States. It is not applicable to Territories, but all the public-land States. Since then there have

been modifications of the law that have withdrawn all the other cash purchases from entries of any kind. This and the desert-land law are the only cash entries provided for, and it was originally local, and as it is of recent origin can you say your country has tried it long enough to feel that it ought to be continued?

Mr. JONES. What was the question?

Mr. MARTIN. He can not try it by repealing it.

Mr. JONES. I would say if there are any other States that want it repealed I have no objection.

Mr. FORDNEY. Would you get any relief by repealing that without repealing the other law?

Mr. JONES. Relief from what?

Mr. FORDNEY. Gobbling up the timber, as the term is, in your State.

Mr. JONES. I do not think so, because I have not admitted that there is any gobbling up of timber. In fact, it seems to me, Mr. Chairman and gentlemen of the committee, that as the lands get less desirable we are making it more difficult.

The CHAIRMAN. Oregon is first and your State is the second State in point of entries. You have a little over 2,000 and California has a little over 1,800 entries. The worst complaint is as to Oregon, where they are indicting people, and the next complaint is as to Washington—

Mr. JONES. Where they have not indicted anybody.

The CHAIRMAN. You are not in the portion of the State where there is timber?

Mr. JONES. I represent the whole State; I know as much about the western part of the State as the eastern part.

The CHAIRMAN. I want to draw that out. You, being a Congressman at large, you are more familiar with the situation, as much so as in your own locality.

Mr. JONES. Yes; I certainly am. I go over the State two or three times a year.

Mr. FRENCH. I wanted to suggest that if this bill that is now pending should pass it would have the practical effect of inclosing within a forest reserve all of the land that is more valuable for forest purposes. Now, then, is it not true that almost one-third of the State is in the forest reserve? In my State between 24 and 25 per cent of the area of the State is in the forest reserve created or else temporarily withdrawn.

Mr. JONES. We have very large forest reserves, but I could not say what per cent of the State is in forest reserve.

Mr. FRENCH. Does it not approach one-fourth of the State in area?

Mr. JONES. I could not say, but it is very large.

Mr. FRENCH. I call attention to your State, which is larger than all the New England States combined, and to my State, which is larger than all the New England States combined and 18,000 square miles besides. Yet one-fourth of that State is in the forest reserves to-day, and the passage of this law means the including of millions of acres, in fact all of the lands which are more valuable for timber than anything else in what is practically forest reserve.

Mr. JONES. Take the forest reserves and the Indian reservation and we hardly have left a place to put our foot.

(Mr. Jones pointed out on the map the location of the different forest reserves and Indian reservations in Washington.)

Mr. JONES. You can see from this map what the forest reserves take in. As I said a while ago, they have included a lot of bald mountains in the forest reserves. The railroads have surrendered these bare knobs and have taken the best timber in our State in place of it. There is where the fraud cry comes from.

Mr. FORDNEY. In the northwest corner there [indicating on the map] all the territory west to Puget Sound has been temporarily withdrawn.

Mr. JONES. Yes; and all this in here [indicating on map] is withdrawn temporarily.

Mr. FORDNEY. Now, Mr. Jones, the reason given so far for the repeal of the timber and stone act is the fact that it has been stated repeatedly by men not well informed, in my opinion, that the lands were being taken up by individuals under that act for the benefit of other parties—lumber corporations, for instance. Do you believe that in your State it would be practicable for the lumbermen to get a man to go on a piece of land and take it under the timber and stone act and advance him the money without any security, without any title to it whatever, where it would cost from \$4.50 to \$5 an acre to take it in that way, where he could take it with scrip for from \$3.25 to \$5?

Mr. JONES. I should not think so. The scrip would be the cheaper proposition.

Mr. FORDNEY. Do you think it would be profitable when he could get it for less money without any question as to his title?

Mr. JONES. I think these capitalists usually take the cheapest method.

STATEMENT OF HON. FRANKLIN E. BROOKS, A REPRESENTATIVE FROM THE STATE OF COLORADO.

Mr. BROOKS. Mr. Chairman and gentlemen, in the matter of the repeal of the timber and stone act, the people of Colorado (which State I represent in the same way that Mr. Jones represents Washington—that is to say, I speak for all the counties), so far as I know, are against the repeal of the timber and stone act. There has been brought to my notice only one protest, I think, against the law, and that came from the Denver Chamber of Commerce.

I have not yet found out the basis for their devotion to the timber and stone act, but we have written for that and hope to know before the matter is taken up.

Mr. NEEDHAM. Do I understand you that this protest from the Denver Chamber of Commerce is against the repeal?

Mr. BROOKS. No; it is a protest against the timber and stone act, and that is the only communication I have received from my State so far as I know.

Now, the attack that is made upon the timber and stone act addresses itself to two phases—first, that it is a vehicle of fraud by reason of large acquisition of land under it, and, secondly, the price is inadequate.

If that be the ground for attacking the timber and stone act, it certainly does not apply to Colorado so far as I know it, and I think I am fairly well advised with regard to the timber and stone industries of the State. Our conditions are very different from those that obtain on the western slope, west of the Sierra Nevada Mountains. We

belong, of course, to the eastern section of the arid region; we have not large forests such as prevail in the Sierra Nevada Mountains. We have some tracts where there is considerable timber.

Those who have been west over the Santa Fe Railroad have seen the Coconino forests and in them is to be seen the best of our timber lands; those are the best timber lands we have in our State, and the area of those is considerably limited. The most of our timber area is stunted, straggling growth on ridges, or else is the lighter aspen and red spruce, and some white pine, but not very much, and it is not very valuable as timber lands. For these reasons, so far as I know, the timber men have not been largely attracted to the State of Colorado, and I venture to say that there is an absolute absence of this rush for land grabbing that appears to have characterized the other States.

Now, in the attack upon the laws in the other House some figures were given which were rather striking. The statement is made that during the fiscal year ending June 30, 1902, there were 4,022 entries under the timber and stone act, embracing 554,000 acres, and during the last fiscal year there were 12,249 entries, embracing 1,750,000 acres. In other words, there was an increase of about three to one. Now, of course, that indicates that there is a great rush somewhere for the timber and stone lands. I don't know where that is and I don't care. But with those figures in mind I went to the Department and got the figures for Colorado as to the entries under the timber and stone act.

In 1902 they were in number 255, and the total acreage was 31,657. The next year the number of entries was 309 and the total amount of acreage was 31,691, or an increase in entries of almost exactly 20 per cent and about the same in amount. The average holding was 124 acres. In other words, the statement made here as a reason why the timber and stone act should be repealed fails absolutely so far as it applies to the State of Colorado. That increase of 20 per cent in number of entries under the timber and stone act is not at all an abnormal increase. It is due to a number of things. It is due, in the first place, to the great interest that is being taken in the acquisition of public lands, as Mr. Jones well sees. It is deep rooted in the constitution of the American people—the desire to obtain a piece of land and part of the soil. The State is growing and it is developing rapidly. There are some new areas where there is a great rush for all kinds of land, not fraudulent, but land that the people actually want to acquire and own for their own purposes as auxiliary to their homes.

Now, in Colorado certainly no man would think of taking up a timber claim to make a fortune out of it. He would take up a timber claim as an auxiliary to his homestead rights, or as auxiliary to his desert-land entry, or to some other holding he might have, and it would serve a very useful purpose, because he might possibly get a timber and stone entry where he could run one of these little mills that Mr. Fordney and Mr. Jones have spoken of, and possibly help himself out in the winter. Our settlers on the public lands do that. Some of them have small mills, and some of them work in the mines in the winter. They devote themselves to a great variety of other industries in addition to and as auxiliary and as supplemental to their regular occupation for a livelihood on the public domain, and the settler who takes up public domain in Colorado, except the best irrigated portions, has a hard time anyway, and I want to protest in his name

against any attempt to curtail his right to make subsidiary entries which may be valuable to him in his efforts to make a livelihood for himself and in order to support his family. It is for that sort of a man I appeal.

Now, as to the next point, that the value of our land is greater than the price charged by the Government. Some of the land that has some timber on it, such as is found in the Coconino forests, if it is, say, within 10 miles of Denver or Colorado Springs, may be worth more than the Government price, but I had the pleasure a year ago of traveling pretty nearly over the whole State with the most intelligent timber man I know of in the State of Colorado, and his constant theme was the inability, the impossibility of the large holders to acquire that land and pay the Government price and come out even. It can not be done by these large holders. But it can be done by the smaller holders. When the statement was made by my colleague, one gentleman from Kansas, who was here then, attempted to make some argument against the proposition and in favor of the repeal of the timber and stone act because the corporations could not handle the land and the small men could, and therefore the small man should pay more. I failed then and I fail now to see the force of his argument.

In other words, gentlemen, there is no great area of land; there is no considerable portion of the public land in Colorado that is forested in a way that warrants the Government in expecting or hoping or being able to dispose of that land at a price above \$2.50 an acre, even if the timber and stone act is repealed. A great portion of that land is absolutely impossible of being handled in any large way for that price, and the reason is plain. These sections lie high up in the mountains, a long way from the railroad, and they have to be handled at great expense. Railroads have to be built, and the cost of production is greater than the profit. That does not militate against the proposition that small men in the valleys during the winter may put up a mill costing a few thousand dollars and acquire a timber and stone claim and make a little money, or in another place be able to run an irrigating ditch, or something of that sort, and make something out of it.

And I want to say right here, as far as my observation goes—and it has been rather carefully made in the last two or three years—I do not believe there is a single instance in the four corners of Colorado where this thing complained of on the Pacific slope has happened; that is, that men have been induced by the lumber companies to go on the land and make location and acquire it for those lumber companies. I do not believe that condition exists.

The timber and stone act, when it was started, applied only to a few States. If you are going to repeal it, follow the same line; do not force a repeal of that act upon communities where it is really working for the good of the settler and for the material development of the State, as I am thoroughly convinced it does with us.

There is another point which I want to touch on a little, which I have not heard discussed here, and that is the stone feature of the act. I know the Commissioner says that there are other laws under which valuable deposits of stone can be gotten, under the placer act, and so forth; but there is quite an industry growing up in the obtaining of macadam and ballast material, which can only be gotten from the public lands under the stone act. There is no great fortune in this business, but there are tracts of land which can be taken up and out of

which a man can make a few hundred dollars in selling the loose, dis-integrated granite, which makes a splendid macadam material and also a splendid railroad ballast. That has been done and there is a good deal of attention being directed to it, looking to that particular development along the front range now, and it is being done by bona fide people; it is no great corporation movement; it is nothing that looks toward fraud, and it can be no vehicle of fraud.

Again the timber and stone act is opposed by the Commission because they say under it water rights are acquired. As far as our rights go they could not acquire any water in that way except some little seepage spring which would never be of any value except to the homesteader, and therefore if a man acquired water under that act he is per se a homesteader or a small operator who wants a little water to water a little tract of land or a little bunch of cattle. And therefore the very argument the Commission use for the repeal of the timber and stone act ought to be an argument in favor of its maintenance. That is to say, any water that could be gotten under the timber and stone act in Colorado must, by the very law of the conditions that exist, be water that is beneficial to the homesteader and the settler and to the home builder about whom we have heard so much.

I want very earnestly to protest, therefore, in the interests of the people of my State against meddling with the timber and stone act as it applies to that State. Let the farmers have their opportunity of getting a little piece of land auxiliary to their homestead, which they can use for pasturage or auxiliary timber or for range, or build a little reservoir to control the waters of some seepage spring, and don't think that you are thereby playing into the hands of any syndicates of people in the East who are attempting to gobble up the public lands, because you are not doing it.

In the last year (the maximum year of entry of public lands in Colorado) there were only 309 people who availed themselves of the privileges of this act, and their average holdings are 124 acres apiece, and their aggregate less than 40,000 acres. We want the timber and stone act, and I think that is the almost universal sentiment of the people of Colorado.

(Adjourned.)

WASHINGTON, D. C., *Wednesday, April 20, 1904.*

Hon. John F. Lacey, chairman, presiding.

✓ **STATEMENT OF HON. BURTON L. FRENCH, MEMBER OF CONGRESS
FROM THE STATE OF IDAHO.**

Mr. FRENCH. I would say in the beginning that the words that I have to say this morning are not directed so much to the committee as to the public, because, as I understand it, these reports are to be sent out. The committee has been acting primarily upon the recommendation of the Commission which was appointed by the President and not upon the charges that have been made so generously and generally in the papers throughout the United States that fraud is being committed. The other day I spoke more directly to the committee, because I was then rather a witness giving testimony upon the conditions in my own State. I want now to call attention to the fact that this whole agita-

tion has for its chief support an organization known as the National Irrigation Association, and this National Irrigation Association is maintaining, as a witness said before another committee, a campaign of education, supporting a press bureau and circulating its literature.

Of course, now, that means upon the general land laws, but if you will notice the papers that have been issued from this association and published by the funds that have been provided for this association you will find that most of the efforts that have been put forth have been against these various land laws, two of which are the timber and stone act and the commutation clause of the homestead law.

Now, I want to call your attention to the personnel of this National Irrigation Association. That is a splendid name, and it sounds like it might represent primarily a section of country interested in irrigation. I have here, however, a list of their officers, and of all their officers I find there is only one who has his residence in an irrigation State, and that is George H. Maxwell, who is editing the paper for this association and whose office is in Chicago. I find that their vice-presidents at large are several in number, and that only one of them lives in an irrigation State, Mr. Homer Laughlin, of Los Angeles, Cal. I find that their board of directors consists of twenty-four members, yet of all this number there is only one who lives in an irrigation State, and that is Mr. C. B. Boothe, in California, and his address is given here as New York City.

There is another one who has an address in Portland, Oreg., Mr. A. H. Comstock, but he lives in Duluth, Minn., and I am informed that that is his home. All the other members of the board of directors are residents of other States, where the question of irrigation has no bearing and where there is little or no interest in the general land laws. I find their executive council consists of 21 members, and yet only 8 of these members live in irrigation States. Now, then, I notice, as I look over this list of officers, board of directors, and executive council, that they are splendid, able men, from the various parts of the country. We recognize many of their names at once; and I want to say that I believe their opinion is entitled to a great deal of consideration. Yet, at the same time, I do believe that upon a matter that affects primarily the West the testimony of those who live in the West and who know of the conditions as they exist there from personal observation should be given the greatest weight. It might be said, as it was said once before in a committee before which I spoke, "Is it not true that the East is responsible very largely for your having laws for the upbuilding of the West?" That is true; but, on the other hand, is it not true that the help of the western Representatives is largely necessary for the enacting of laws that are of interest primarily to the East? Now, then, when a law is proposed that affects the East primarily, while I believe that the thought of the West should be listened to, yet, at the same time, the thought of those who live in the immediate section to be affected by that law should be given the highest consideration.

In this connection I want to insert here in my remarks the testimony that was given by Mr. Maxwell before the Committee on Irrigation, which brings out the fact that seven of the railroad companies whose lines extend to the West or within the West have contributed for five years \$39,000 annually for the purpose of carrying on this propaganda. All the testimony that was taken at that meeting on that question is

here in a few pages, and I would like to have it included in my remarks.

TESTIMONY OF MR. GEORGE H. MAXWELL, BEFORE HOUSE COMMITTEE ON IRRIGATION OF ARID LANDS, APRIL 4, 1904.

The CHAIRMAN. While we are on that question of agitation for repeal, within your knowledge is it or is it not a fact that the land-grant railroads, owners of large areas of land, have contributed to the support of the National Irrigation Association, which you represent, and to the maintenance of the journals that you print, which have been advocating wholesale repeal of the land laws?

Mr. MAXWELL. The transcontinental railroads began four years ago contributing to an educational fund to bring about the inauguration of a national irrigation policy by the Federal Government, which resulted in the passage of the national irrigation act which you advocate. I had very grave doubts before that act was passed whether it was wise to have that act passed before the land laws were reaffirmed, so that we would be sure that the agricultural lands would go to benefit settlers, and I had a good deal of correspondence, among others with Senator Gibson, of Montana.

We finally decided it was better to push the irrigation policy ahead, because until we could absolutely show that there was a way of getting Government land in the West reclaimed other than under the desert-land act we were confronted with the argument that the desert-land act was the only way you could get arid land reclaimed, and we had to have a desert-land act for that reason. Now, it was understood between members of our own association to a very wide extent, not with the railroads, but with the people who had no connection with the railroads, that we would support the national irrigation policy, and the moment that we got that bill through we would try to get these land laws remedied so that no man but a settler would get Government land; that is, agricultural or irrigable land.

Now, I want to make this statement absolutely and positively, gentlemen. The transcontinental railroads began, as I say, more than four years ago contributing to the fund of the National Irrigation Association. They are not the National Irrigation Association. They have no direction of its policy; they have never undertaken in any way, shape, manner, or form to direct its policy, and if they have liked our policy it has been simply because they believed it would not be bad policy in the West. And any statement that the National Irrigation Association has in any way, directly or indirectly, received support from the railroad companies upon the theory that it was going to make their lands more valuable or their scrip more valuable, or anything of that kind, is absolutely false. The fact is, gentlemen, when this question of the contribution of the railroad companies came up it came up purely and solely on the basis of getting the Government enlisted in the national irrigation policy—

The CHAIRMAN. Allow me just one question right there. The gentleman says that any statement that they did support this movement for repeal with the view of increasing the value of their lands (of which they own a great many million acres) and of their forest reserve lands which can be used as a base for lieu selections or scrip (of which they own, say, 2,500,000 acres)—that their support to accomplish this object was for the purpose of enhancing the value of this land, you say, is false?

Mr. MAXWELL. Yes, sir.

The CHAIRMAN. Will the gentleman say how or in what way he can read the minds of the gentlemen of the transcontinental railroads who are contributing to this fund in such a way as to know whether or not they have in their minds the idea that it will increase the value of their lands?

Mr. MAXWELL. I know what the policy of the National Irrigation Association has been from the start, and to this moment I know the railroad companies have never undertaken to shape its policy. They have simply followed it.

Mr. VAN DUZER. Would it benefit the holdings of railroad lands to repeal this law?

Mr. MAXWELL. In my judgment it would not affect it a particle, and I will tell you why. We are constantly confronted with the statement, gentlemen, that if these laws are repealed the settlers can not get the land and you can not settle the country. The fact of the matter is, if these laws are repealed it will result in genuine bona fide settlers going out and getting those agricultural and irrigable lands, under the national irrigation act, where the works are built on too large a scale for settlers to complete it; and the Government is reaching right out, gentlemen, now, and opening up millions of acres under that act. This idea that there is going to be a scarcity of land for settlers in the West is a chimera. There is not going to be. The lands are going to be reclaimed by the Government, and the settler is going to get them.

Mr. TIRRELL. Can you tell what, on the average, these railroads are asking for lands in farms, as you say, of 160 acres along these lines?

Mr. MAXWELL. I could not, because I do not know any of the railroads that have any agricultural lands left for sale that a man can go on and make a living out of without irrigation. The lands which the railroad companies have for sale to-day are the leavings of the original grants, and which can not be made useful for agricultural purposes without irrigation.

Mr. FRENCH. May I ask a question right here, Mr. Maxwell? Would the repeal of any of these land laws in any way increase the value of scrip?

Mr. MAXWELL. Not for the settler.

Mr. FRENCH. Would it to those who own the scrip?

Mr. MAXWELL. I doubt it very much. And if it would, there is the same argument that applied to the national irrigation act, that it created an influx of people in that country and enhanced the value of everything in the West. If it did double it, trebled it, quadrupled it, made it ten times as much, I see no reason why that should be used as to pass what is left of the land upon which homes can be made into the hands of men who do not want to make homes of it.

Mr. FRENCH. When there is that possibility that you suggest yourself, can you see any motive on the part of those who own the scrip in contributing to this fund?

Mr. MAXWELL. You can draw your own conclusions about that, Mr. French.

Mr. FRENCH. We are drawing our conclusions.

Mr. MAXWELL. Yes; and I have my own opinion about some things, too. The fact remains, gentlemen, the arrangement which was made with the transcontinental railroad companies to make their contributions to the funds of this association were made long before the policy with reference to lands was brought up at all. The original fight was to get appropriations in the river and harbor bill, and we fought for that for two or three years. I always took the ground, and it turned out that I was right, that we would never get the East to consent to any policy with reference to these arid lands, where the Government was merely to build a reservoir and turn the water loose, and not control the land.

The whole foundation of this policy of national irrigation was that the land upon which a man could go and build a home should be saved for the man who wanted that land for the purpose, and that no one else should ever get it. Now, the gentlemen who are members of this committee remember the fight we had to get the Senate bill amended two years ago so as to put that in the national irrigation act itself. Now, all we are asking, gentlemen, now is that the limitation of the national irrigation act shall be applied to all agricultural and irrigable public lands.

Mr. VAN DUZER. Who holds the bulk of the scrip to-day?

Mr. MAXWELL. It is very hard to get at it. I understand there is about 500,000 acres of floating scrip which belongs to nobody knows who. It is floating scrip.

* * * * *

Mr. HITCHCOCK. Have you access to the list of railroad subscribers to this fund in support of your movement?

Mr. MAXWELL. Certainly.

Mr. HITCHCOCK. Could you file it with the committee?

Mr. MAXWELL. I can tell you just what it is.

Mr. HITCHCOCK. The names of the railroads? Are there any railroads contributing to that fund that have no lands of their own?

Mr. MAXWELL. There are.

Mr. HITCHCOCK. So that they are interested simply in the settlement of the country?

Mr. MAXWELL. Purely so.

Mr. REEDER. I want to make this suggestion, however: A very prominent railroad man from my section was here. Those men came here and worked hard for this national irrigation law. I asked each of those gentlemen within the past three days, "What do you think of this land legislation? Are you interested in it?" One of them represents railroads that have land for sale. He said: "No; we have no interest in it whatever. In fact, I am inclined to think, without paying much attention to it, that the land laws ought to remain as they are." Now, that is a case where the railroad company has land to sell.

Mr. MAXWELL. I am perfectly free to say, Mr. Reeder, so far as I know, no railroad man in the United States is endeavoring to pass these laws.

Mr. WILLIAMSON. Is it not a fact that nearly all these large landed estates that you speak of are for sale for cost?

Mr. MAXWELL. Indeed they are not. They may be for sale, but they are for sale at prices that nobody will buy them.

Mr. WILLIAMSON. Do you know anybody that does own land up in Oregon?

Mr. MAXWELL. I do not know anything about Oregon. They are for sale on terms at which the settler can not get them. The settler can not touch a hundred-thousand-acre proposition, and the difficulty is under these laws that they are absorbed into these great holdings, and they want to sell at a profit to somebody, and there you are. That is the difficulty we are in in California to-day.

The CHAIRMAN. The gentleman is aware that Mr. Newell, who is responsible under the national-irrigation act for carrying out the provisions of that act, has very recently recommended that the desert-land act be not repealed?

Mr. MAXWELL. I do not understand his recommendation about that. He says that the commission is of the opinion that the desert-land law should for the present at least be allowed to stand. We think that if it is to be repealed at all it might as well be repealed now as at any time.

Mr. HITCHCOCK. Let us have this list.

Mr. MAXWELL. The Great Northern, first, as you know, has no land grant, and never had; and absolutely no scrip, and never had, so far as I know. I think I am right about that. The Northern Pacific is the largest holder of scrip of any of the western roads. I say "scrip;" it is not scrip; it is land in forest reserves which they would have the right, if surveyed, to exchange under the forest law. If what our association advocates were done, they could not get what I understand it is generally conceded they ought not to have. The repeal of the timber and stone act should be followed by including every acre of merchantable timber—the timber which should be preserved for its water supply—in a permanent forest reserve. Now, the next is the Burlington. The Burlington has no land grant. Am I not right, Mr. Mondell? You are in that country, and you know.

The CHAIRMAN. Not that I know of, but the gentleman did not refer to the fact that the Northern Pacific is also the largest owner of unsold land-grant lands, and that the Burlington is in a way a part of the Northern Pacific system or the Northern Pacific is part of the Burlington.

Mr. MAXWELL. But not of agricultural lands. They have practically no agricultural land left. It is gone.

Mr. HITCHCOCK. What is their land?

Mr. MAXWELL. It is forest land and range land, away back from the rivers. I want to say this, gentlemen: I have in this matter consulted with no Northern Pacific man to know whether they want these land laws repealed or not. Our association has laid the policy. If they choose to continue their contributions, well and good; if not, they can stop at any time. They can not change it. I think I am correct in making the statement that the Burlington has no land and has no scrip. I think originally they had a grant in Iowa or Illinois, but that is gone years ago. Now, the Union Pacific had a good deal of land, but I think the majority of it has been disposed of. I think if you get the figures you will find practically all of the Union Pacific land, with the exception, possibly, of some leavings, which is such poor land that it can not be sold at all, has not been sold—

The CHAIRMAN. They own millions of acres in my State.

Mr. MAXWELL. It is very poor land, not land that the settler would take.

Mr. MARSHALL. It is not such land as would likely be entered under the desert-land act?

Mr. MAXWELL. No; it has no relation to the settlement of the agricultural lands at all.

Mr. MARSHALL. And therefore would not be entered under the homestead—

Mr. MAXWELL. No; it is high grazing land.

The CHAIRMAN. I will say to the gentleman that portions of their land in Wyoming is just the kind of land that settlers now are reclaiming in other parts of the State under the desert-land law.

Mr. MAXWELL. I am not prepared to make a statement of my own knowledge with reference to Wyoming and Colorado. Those are two States with which I am not familiar. I am trying to explain—

Mr. BROOKS. The Union Pacific lands in Colorado, a large amount of it at least, is adjacent to the counties of Larimer, Weld, and Logan, the finest irrigation counties in the State.

Mr. MAXWELL. I understand, gentlemen, that land is for sale to-day, and if the desert-land act and commutation clause are repealed, it will be for sale just the same. It would not be worth a penny more, because if a man wants to make location on irrigable lands, he does not want to take land if that land comes in contact with people—

Mr. BROOKS. It is a matter of inference.

Mr. MAXWELL. It is merely a matter of argument.

The Rock Island has no land and has no scrip. The Southern Pacific has no land which is merchantable agricultural land. There you have it.

The CHAIRMAN. The Santa Fe?

Mr. MAXWELL. Did I not mention the Santa Fe?

The CHAIRMAN. You did not mention the Santa Fe.

Mr. MAXWELL. The Santa Fe has some land in the timber reserves in northern Arizona, but I think a great portion of that has been exchanged and disposed of, and there is a comparatively small amount of that land.

Mr. REEDER. I want to add right there, that that man who has always consulted me with reference to all these propositions, and in the interests of the Santa Fe Railroad, said to me that he did not feel that they had any interest in the matter particularly. Now, that is the Santa Fe road, represented by a gentleman that is always here, and from my State. I thought he was probably here to influence me, because I had heard the story about the railroad company being in favor of the repeal of these laws. He said, "We have no interest in this, Reeder, but I am inclined to think that the laws should be left just as they are."

Mr. HITCHCOCK. That is the list of the railroad, Mr. Maxwell, that is referred to as having a landed interest in having the laws repealed, so as to put their own lands on the market?

Mr. MAXWELL. True. Of those roads the Union Pacific and the Northern Pacific are the only two that would come in that category. If it were true it would make them more valuable.

The CHAIRMAN. The Santa Fe?

Mr. MAXWELL. I think the Santa Fe interest is very small.

The CHAIRMAN. They had a very large land grant?

Mr. MAXWELL. No; their land grant is pretty well wiped off.

The CHAIRMAN. They have some 700,000 or 800,000 acres of forest-reserve land.

Mr. MAXWELL. I think you will find it is less than 300,000 remaining to them.

Mr. HITCHCOCK. I want to perfect some information I asked for. When you gave the names of the railroads that had contributed to these various funds you did not state the amounts they contributed.

Mr. MAXWELL. Six thousand dollars for each of the transcontinental lines and the Burlington and \$3,000 for the Rock Island.

Mr. HITCHCOCK. That makes how much altogether?

Mr. MAXWELL. Thirty-nine thousand dollars.

Mr. HITCHCOCK. Now, for what purpose is that money used?

Mr. MAXWELL. It has been used for the expenses of the National Irrigation Association, and there has only been a part which has been available by that association for the circulation of its literature and the maintenance of our press bureau and the educational campaign which we have been carrying on for the last five years.

Mr. HITCHCOCK. That is an annual contribution?

Mr. MAXWELL. Yes, sir.

Mr. HITCHCOCK. Has been going on for five years?

Mr. MAXWELL. Yes, sir.

Mr. HITCHCOCK. And still continuing?

Mr. MAXWELL. Still continuing.

Mr. HITCHCOCK. Six thousand dollars each for the transcontinental lines, the six of them?

Mr. MAXWELL. I include the Burlington.

Mr. FRENCH. What one pays less than \$6,000?

Mr. MAXWELL. The Rock Island.

Mr. FRENCH. That pays \$3,000.

Mr. MAXWELL. The funds of the association are drawn also from many different directions. This fund is only a part.

Mr. MARSHALL. What part?

Mr. MAXWELL. I think the fund exceeds \$50,000 altogether.

Mr. MARSHALL. Annually?

Mr. MAXWELL. Yes, sir.

The CHAIRMAN. Has your association, or did your periodicals, ever advocate the law upon the calendar which prohibits the scrip owner or these transcontinental railroads (some two and one-half millions of acres of these lands)—which prohibits them from locating valuable timber?

Mr. MAXWELL. We advocate that every acre of valuable timber shall immediately be put in a forest reserve, and if anyone here has a copy of my own paper I would like to refer to that. I would like to submit that to the committee when the opportunity occurs.

The CHAIRMAN. Is it not true, on the contrary, that your association has taken occasion to ridicule legislation prohibiting the location of valuable timber land with the forest reserve lieu rights or scrip and the people who have proposed it?

Mr. MAXWELL. I have taken occasion to take this position, which I am ready to take now or at any time—that in trying to remedy forestry matters and leaving the agricultural lands open to speculative entry you are saving at the tap and losing at the bung. President Roosevelt himself has stated in his public addresses, and if my memory serves me right it is in the President's commission report right here, that the purpose of the preservation of the forest reservations is to make homes and irrigate the agricultural lands. Now, if the agricultural lands are to be allowed to slip away by the thousand and hundred of thousands of acres into the hands of people who do not build any homes on them, who use them for grazing purposes, or you take and absorb them into merely speculative holdings, as is so often being done, you are beginning at the wrong end of the proposition.

The CHAIRMAN. Does the gentleman think that the saving of 2,500,000 acres of valuable timber land from location by scrip entry is so small a thing it is not proper to urge it?

Mr. MAXWELL. On the contrary, our association is urging it.

The CHAIRMAN. At what time?

Mr. MAXWELL. Every issue of our paper.

The CHAIRMAN. I have failed to see in any issue of your paper—

Mr. BELL. Advocating that every acre of timber be placed in forest reserve?

Mr. MAXWELL. And no scrip of any kind shall hereafter be issued.

The CHAIRMAN. But there are 2,500,000 acres owned by the railroads or their grantees now in forest reserves which are valid base for the selection of valuable timber land, and over a million acres more have already been located.

Mr. MAXWELL. I do not understand that scrip has ever been issued. I understand that it is to-day unissued. I understand that if the forest scrip law was repealed, as it should be repealed, that the scrip never could be issued.

Mr. BELL. Would you not interfere with vested rights if they have made exchanges?

Mr. MAXWELL. Where the right of exchange is merely a right of exchange under existing law I do not understand that to be a vested right of property. Where the exchange has been made of course it stands. Another thing I would like to explain here.

The CHAIRMAN. The time for adjournment has arrived, so that it will be necessary—

Mr. BELL. I want to ask Mr. Maxwell one question. You say that your association advocates that every acre of timber be placed into a forest reserve.

Mr. MAXWELL. Every acre of timber that is more valuable for forest crop than for agriculture, and every acre of timber which should be effectually preserved by the National Government as a source of water supply.

Mr. BELL. But in my State, the northern part of the State, it is estimated there are \$6,000,000 worth of timber uncut. Much of that is yet open to entry. Now, it has nothing to do with any water supply. It is in a section of the State where the water supply gets no bigger, running to the Pacific, and it is not fit for agricultural purposes. Now, do I understand your association advocates that the timber not being more valuable for timber than for agriculture, and having nothing to do with water supply, shall be placed in a forest reserve?

Mr. MAXWELL. Yes; the same ground is taken in the report of the President's commission; the Government owns the timber, and that the policy of the Government should be to sell the stumpage and get the largest possible price for it.

Mr. BELL. I agree with you there.

Mr. MAXWELL. And that it should preserve the young forest growth; that it should continue to grow and be harvested from year to year.

Mr. MARSHALL. You started out by saying that you were working in accordance with the recommendation of President Roosevelt's message. Does not President Roosevelt concur virtually in the report of this commission?

Mr. MAXWELL. There seems to be a difference of opinion in regard to that.

Mr. MARSHALL. He says he sends it for favorable consideration.

Mr. MAXWELL. The situation is that while it recommends the facilitated system of law it recommends the delay in the desert-land act and the commutation clause. While we delay, the lands are being taken by the speculators and grazers.

Mr. MARSHALL. Do you think that the President and the commission took that into consideration when they recommended the delay? The President says he transmits it for favorable consideration.

Mr. MAXWELL. I have read what the President has said in his public addresses, and I think it would probably be nearer right to take what he says longer ago than to take this.

Mr. FRENCH. This is, as you suggest, an official communication to this body.

Mr. MAXWELL. Now, gentlemen, let me state, in his message President Roosevelt

said that all agricultural and irrigable lands should be held for the home builder, the man who lives on it, and no one else. Now, gentlemen, you can not reconcile that with the desert-land act and you can not reconcile it with the commutation clause of the homestead act.

A MEMBER. That is what we call a glittering generality.

Mr. MAXWELL. This is what he says—that actual settlers on agricultural lands and on forest reserves would seldom or never suffer hardships from the requirements of five years' residence. In other words, they accept the commutation clause there, which was accepted in drawing the national irrigation act, and all we ask is that it shall be universally accepted.

Mr. MARSHALL. The last analysis of the proposition is this: He appointed a commission, and the commission has reported, and the President has recommended that report to the favorable consideration of Congress. That is the whole thing in a nutshell and down to date.

Mr. FRENCH. In his general message he has not specifically said that. He said what I am using, and what we who are opposing this bill use upon our side of the question, and which our friend, Mr. Maxwell, uses as heavy argument upon his side. When the President speaks specifically, he speaks thus—

Mr. MAXWELL. He says that "We are not prepared at this time to recommend the repeal of the desert-land act."

Mr. HITCHCOCK. Referring to this \$50,000 fund, who controls the disposition of that? Do you?

Mr. MAXWELL. We do.

Mr. REEDER. I move that we adjourn to meet to-morrow morning at half past 10 o'clock.

The CHAIRMAN. The gentleman from Kansas makes a motion, which is seconded, that we adjourn to meet to-morrow morning at half past 10 o'clock.

(The motion was carried.)

Thereupon the committee adjourned.

In this connection I want to call attention to the fact that originally the United States granted as subsidies to several railroads 162,000,000 acres of land. More land than that was granted, but some was not finally acquired by the railroads because they failed to build their roads. One hundred and sixty-two million acres of land have, however, been finally granted to the railroads, of which amount about 60,000,000 or 65,000,000 acres are at the present time unpatented. Now, then, we can assume that they own probably all this that is unpatented. If that is true, will not the striking down of all these laws by which the individual may become the possessor of lands from the Government increase the value of these lands still held by the railroad companies? I believe that it will, and I believe that right here a motive is suggested that is other than philanthropic which prompts railroad companies to give \$39,000 annually for the purpose of maintaining this propaganda which calls for the repeal of these laws.

Besides this, some of these same companies which have been giving this fund are the very ones that have surrendered land to the Government for which scrip has been issued and to-day are the owners of scrip. And if you strike down all these laws the scrip itself, in my estimation, will double in value.

There is another point that I want to call attention to hastily and then I am through, and that is the bill itself. I would like to have the first section inserted because upon its face appears its weakness. It reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Secretary of the Interior to sell to the highest bidder, at public outcry or otherwise, under such rules and regulations and subject to such conditions and restrictions and in such quantities as he may prescribe, the right to cut and remove, within such period of time as he may fix, any timber from any unappropriated, nonmineral, surveyed public lands, after first

having had such timber duly appraised and after giving public notice of the time, terms, manner, and place of such sale.

We read here in the first section that this one officer—the Secretary of the Interior—may sell the right to cut and remove the timber. He may fix the time, terms, manner, and place of sale. The proposed law does not attempt it. It turns it all over to one man, and it seems to me that that is a very large amount of arbitrary power to give over into the hands of one officer of our Government. At the present time we have an honorable and splendid man, against whom I have no word of criticism, as the Secretary of the Interior. Yet, at the same time, this is a law which may be applied through the years in the future, and it seems to me that there is a possibility of an opening here for great fraud to be enacted.

But let us see how much responsibility it does impose. I find at the present time there are 500,000,000 acres of unpatented land belonging to the Government. I do not know, and I presume there is no means of knowing, exactly how many million acres of this land is covered with timber.

Mr. MARTIN. You mean one-half billion?

Mr. FRENCH. Yes; but this does not include Alaska. In Alaska there is something like 400,000,000 acres of land still unpatented. I do not know that it would be possible to secure even a reasonable estimate upon the amount of land that is covered with timber. Now, then, to come a little closer to States that are vitally interested: In Idaho we find that there are over 41,000,000 acres of unpatented land; in Oregon over 23,000,000 acres; in Washington over 9,000,000 acres; in California over 36,000,000 acres of unpatented land, making a total of 111,000,000 acres of unpatented land in these four States alone, which have large tracts of timber.

I believe that it would be a conservative estimate to say that one-fifth of the unpatented land is covered with timber. If so, then we find in these four States we have mentioned 20,000,000 acres covered with timber. Now, assuming that this timber is worth \$1 per acre, you have then turned over to the arbitrary discretion of the Secretary of the Interior and the regulations that may be prescribed by him \$20,000,000. If it is worth \$5 an acre, you have turned over \$100,000,000. If it is worth \$10 an acre, then you have turned over to him \$200,000,000. It seems to me that this law itself, if it is to be a law, should be a little more closely safeguarded, in order that this timber may be handled without possibility of fraud.

Is it right to delegate so much power to the discretion, not to speak of the honor, of one official? You would not appropriate \$200,000,000 nor \$100,000,000 nor \$20,000,000 (and my estimate includes the timber within four States alone) and say that it should be expended under the discretion and direction of the Secretary of the Navy or of War and provide for no further accounting. You would fix some limitations. In all the appropriation bills that are now pending the amounts are carefully itemized. Yet here is a bill which proposes to turn over, without limitation, all the timber on the Government domain to the hands of one man. He may sell it all in one year if he wants to. He may sell it all to one man or to one company. He may fix the terms of sale; the bill does not do that. He may sell the timber to one concern and grant to that concern twenty years in which to remove the

timber, and if by the expiration of that time the timber shall not have been removed he may extend the time another twenty years, or indefinitely. Is that wise? Is it discrete? Are we protecting as we ought the rights and interests of the great body of American people when we pass such a bill? Yet the Senate has already passed the measure, and the House of Representatives has referred it to your honorable committee for your report.

As a member of the House of Representatives, endeavoring in my humble capacity to represent a State which, probably more than any other is interested in this question, I am opposed to the passage of the bill. But, if it must pass, I am opposed to its passage in its present form. It should be amended. It should be amended, I believe, so as to limit the amount of sale that may be made in any one year. It should be amended so as to fix with some degree of definiteness, with some element of certainty, the terms of such sale. It should be safeguarded by careful words so as to prevent any possible fraud in disposing of this valuable timber, in the interest of the people of our country, whose trustees we are for the present time.

As I said, I do not want to take the time of the committee, and I want to thank you for your kindness in listening to me thus far.

STATEMENT OF HON. F. W. MONDELL.

The bill before us for consideration is a bill which provides for the repeal of the timber and stone act and also for the sale to the highest bidder by the Secretary of the Interior of timber from public lands. It is entitled to careful consideration by the committee, first, because it deals with a most important subject, and having passed the Senate, it is here for final consideration; second, because the bill has the approval of and was proposed by the Land Commission appointed by the President, consisting of Hon. W. A. Richards, Commissioner of the General Land Office; F. H. Newell, chief engineer of the reclamation service, and Gifford Pinchot, Chief Forester of the Agricultural Department. I have the honor of a personal acquaintance with all of these gentlemen, and hold them all in the highest regard and esteem. They are each and all of them men devoted to the public service, who have had large experience in their respective fields, and whose recommendations are entitled, by reason of their high personal character, their unquestioned fidelity to public interests, and their experience to the most respectful and earnest consideration. And I wish to have it understood at the outset that in what I shall have to say on this question, in so far as I shall differ with the views expressed and the recommendations made by these gentlemen, that I do it with a sincere regret that I can not fully agree with their views and recommendations, and that in my capacity as a Representative of the people of my State in the House of Representatives and on my responsibility as a member of the House, in view of what I conceive to be the best interests of the people of the States in which this law operates, I find myself compelled to take a different view of the questions involved from that taken by the Commission.

In order that we may start out with a clear understanding of the law which it is proposed to repeal, I shall insert in my remarks the timber and stone act of June 3, 1878, which is as follows.

By the act of August 4, 1902, the timber and stone act was made

applicable to all of the public-land States. The law and the rules and regulations of the Department relative to the same are as follows:

[No. 6.]

TIMBER AND STONE ENTRIES.

AN ACT for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory.

Re it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That surveyed public lands of the United States within the States of California, Oregon, and Nevada, and in Washington Territory, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale, according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of two dollars and fifty cents per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands: *Provided*, That nothing herein contained shall defeat or impair any bona fide claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any bona fide settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes: *And provided further*, That none of the rights conferred by the act approved July twenty-sixth, eighteen hundred and sixty-six, entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes," shall be abrogated by this act; and all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under and by the provisions of said act; and such rights shall be expressly reserved in any patent issued under this act.

SEC. 2. That any person desiring to avail himself of the provisions of this act shall file with the register of the proper district a written statement in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, where any such do exist, save such as were made by or belonged to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit, and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself; which statement must be verified by the oath of the applicant before the register or the receiver of the land office within the district where the land is situated; and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona fide purchasers, shall be null and void.

SEC. 3. That upon the filing of said statement, as provided in the second section of this act, the register of the land office shall post a notice of such application, embracing a description of the land by legal subdivisions, in his office, for a period of sixty days, and shall furnish the applicant a copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, or coal; and upon payment to the proper officer of the purchase money of said land, together with the fees of the register and the receiver, as provided for in case of mining claims in the twelfth section of the act approved May tenth,

eighteen hundred and seventy-two, the applicant may be permitted to enter said tract, and, on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon: *Provided*, That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him, stating the nature of his claim thereto; and evidence shall be taken, and the merits of said objection shall be determined by the officers of the land office, subject to appeal, as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office.

* * * * *

Sec. 6. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, June 3, 1878. (20 Stat., 89.)

RULES AND REGULATIONS OF THE GENERAL LAND OFFICE GOVERNING ENTRIES UNDER
THE TIMBER AND STONE ACT.

The act of June 3, 1878 (20 Stat. L., 89; Appendix No. 6), provides for the sale of timber lands in the States of California, Oregon, Nevada, and Washington, and the act of August 4, 1892, section 2 (27 Stat. L., 348; Appendix No. 51), extends the provisions of the former act to all the public-land States.

1. The quantity of land which may lawfully be acquired under said acts by any one person or association is limited to not exceeding 160 acres, which must be in one body. (See case of Daniel J. Heyfran, 19 L. D., 512.)

2. The land must be valuable chiefly for timber (or stone) and unfit for cultivation at the time of sale (22 L. D., 647).

3. It must be unreserved, unappropriated, and uninhabited, and without improvements (except for ditch or canal purposes) save such as were made by or belong to the applicant.

4. Lands containing saline or valuable deposits of gold, silver, cinnabar, copper, or coal are not subject to entry under this act.

5. One entry or filing only can be allowed any person or association of persons. A married woman may be permitted to purchase under said act, provided the laws of the State or Territory in which the entry is made permit a married woman to purchase and hold real estate as a femme sole; but in addition to the proofs already provided for she shall make affidavit at the time of entry that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

6. A person applying to purchase a tract under the provisions of this act is required to make affidavit before a duly authorized attesting officer that he has made no prior application under this act; that he is by birth or naturalization a citizen of the United States, or has declared his intention to become a citizen. If native born, parol evidence to that fact will be sufficient; if not native born, record evidence of the prescribed qualification must be furnished. The affidavit must designate by legal subdivisions the tract which the applicant desires to purchase, setting forth its character as above; stating that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes (if any exist), save such as were made by or belong to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whosoever, by which the title he may acquire from the Government of the United States shall inure in whole or in part to the benefit of any person except himself.

7. Every person swearing falsely to any such affidavit is guilty of perjury, and will be punished as provided by law for such offense. In addition thereto, the money that may be paid for the land is forfeited, and all conveyances of the land, or of any right, title, or claim thereto, are absolutely null and void as against the United States.

8. The sworn statement required as above (section 2 of the act) must be made upon the personal knowledge of applicant, except in the particulars in which the statute provides that the affidavit may be made upon information and belief.

9. The attesting officer will in every case read this affidavit to applicant, or cause

it to be read to him in their presence, before he is sworn or his signature is attached thereto.

10. The published notice required by the third section of the act must state the time and place when, and name the officer before whom, the party intends to offer proof, which must be after the expiration of the sixty days of publication (circular of September 5, 1889, 9 L. D., 384), and must also contain the names of the witnesses who are to testify. (See case of Sarah L. Bigelow, 20 L. D., 6.) The period of publication is complete when the notice has been inserted for nine successive issues of a weekly newspaper, and the full statutory period has elapsed (28 L. D., 224).

11. The evidence to be furnished to the satisfaction of the register and receiver at time of entry, as required by the third section of the act, must be taken before an officer authorized to take the same under the act of March 11, 1902 (see rule 12), and will consist of the testimony of claimant, corroborated by the testimony of two disinterested witnesses. The testimony will be reduced to writing by the attesting officer upon the blanks provided for the purpose, after verbally propounding the questions set forth in the printed forms. The accuracy of affiant's information and the bona fides of the entry must be tested by close and sufficient oral examination. The attesting officer will especially direct such examination to ascertain whether the entry is made in good faith for the appropriation of the land to the entryman's own use, and not for sale or speculation, and whether he has conveyed the land or his right thereto, or agreed to make any such conveyance; or whether he has directly or indirectly entered into any contract or agreement in any manner with any person or persons whomsoever by which the title that may be acquired by the entry shall inure, in whole or in part, to the benefit of any person or persons except himself. The attesting officer will certify to the fact of such oral examination, its sufficiency, and his satisfaction therewith.

12. The affidavits and proofs required under this act may be taken before the register or receiver, or before any United States commissioner, or commissioner of the court exercising Federal jurisdiction in the Territory, or before the judge or clerk of any court of record in the land district in which the lands are situated: *Provided*, That in case the affidavits and proofs are taken out of the county in which the land is located, the applicant must show, by affidavit satisfactory to the Commissioner of the General Land Office, that it was taken before the nearest or most accessible officer qualified to take said affidavits and proofs in the land district in which the land applied for is located, but such showing by affidavit need not be made in making final proof if the proof be taken in the county or city where the newspaper is published in which the final proof notice is printed. (Act Mar. 11, 1902, 32 Stat. L., 63; Appendix No. 91.)

13. The entire proof must be taken at one and the same time, and payment must be made at the time of offering proof. Proofs will in no case be accepted in the absence of a tender of the money; and the register's certificate will in no case be given to the party or his attorney, but must be handed directly to the receiver by the register; and no note will be made upon the plats or tract books until the receiver's receipt has been issued. The proof, certificate, and receipt must in all cases bear even date when taken before the register or receiver.

14. When an adverse claim, or any protest against accepting proof or allowing an entry, is filed before final certificate has been issued, the register and receiver will at once order a hearing, and will allow no entry until after their written determination upon such hearing has been rendered. They will report their final action in all protest and contest cases, and transmit the papers to this office.

15. After certificate has been issued, contest, applications, and protests will be submitted to this office, as in other cases of contest after final entry.

16. Contests may be brought against timber and stone land applications or entries in accordance with rule 1 of Rules of Practice, either by an adverse claimant or by any other person, and for any sufficient cause affecting the legality or validity of the filing, entry, or claim.

17. In case of an association of persons making application for an entry under this act, each of the persons must prove the requisite qualifications, and their names must appear in the sworn statement, as in case of an individual person. They must also unite in the regular application for entry, which will be made in their joint names as in other cases of joint cash entry. The forms prescribed for cases of applications by individual persons may be adapted for use in applications of this class, and the sworn statement as to the character of the land may be made by one member of the association upon his personal knowledge.

18. No person who has made an individual entry or application can thereafter make one as a member of an association, nor can any member of an association making an entry or application be allowed thereafter to make an individual entry or application.

19. Applicants to make timber-land entries, and claimants and witnesses making final proof, must in all cases state their places of actual residence, their business or occupation, and their post-office address. It is not sufficient to name the county and State or Territory where a party lives, but the town or city must be named; and if residence is in a city, the street or number must be given.

From these laws and the rules and regulations it will be seen, first, that a maximum entry under the timber and stone act is limited to 160 acres; second, that the land must be valuable chiefly for timber or stone and unfit for cultivation if the timber were removed; third, that the land must be nonmineral, unreserved, unappropriated, uninhabited, and without improvements.

It is impossible to make more than a rough approximation of the area of lands which are subject to entry under this law. According to the last annual report of the Commissioner of the General Land Office, there are approximately 500,000,000 acres of public lands unreserved and unappropriated in the United States, exclusive of Alaska. In addition to this area, there is at the present time a little over 62,000,000 acres of lands included in forest reserves. There is also, out of the 500,000,000 acres above referred to, approximately 54,000,000 acres at this time temporarily reserved, with the view of placing the same in forest reserves if, after further examination, it shall be determined that these lands are of a character to warrant their inclusion in such action. So that we have within the States and Territories between the one hundred and third meridian of west longitude and the Pacific Ocean, and principally between the eastern base of the Rocky Mountains and the Pacific, in permanent forest reserves an area nearly as large as the States of Ohio, Indiana, and Illinois, and of lands temporarily reserved for forestry purposes an area larger than the States of Tennessee and Kentucky, or an area temporarily and permanently reserved nearly as large as the Republic of France.

What portion of the 54,000,000 acres now temporarily reserved shall ultimately be placed in permanent forest reserves depends, of course, upon what further investigation shall prove as to the character of said lands, and also, I trust, on whether or not within the areas proposed to be permanently reserved there is any considerable amount of land in private ownership; for I hope we shall not in the future include within forest reserves any large areas of lands in private ownership, particularly lands not heavily timbered, which can be made the basis of the selection of timbered lands elsewhere.

In any event it is very clear, from the area already permanently reserved, and that temporarily reserved with the view of permanent reservation, that we have already withdrawn and shall in the future permanently withdraw from entry under this law a very large proportion of the most valuable timber lands of the country, particularly those lands whose permanent reservation is deemed most essential for the preservation of a timber supply and the conservation of moisture in the mountains and highlands of the arid region for the protection of the water supply for the irrigable lands therein.

I take the position, first, that in the heavily timbered regions of the Pacific slope and the northern Rocky Mountains there should be reserved in permanent reservations a sufficient area of heavily timbered lands to insure a reasonable supply of timber for future uses, and upon which, as the mature timber shall be sold under Government control, a continual supply may be assured by the growth of the young forest for future needs.

Second, that throughout the entire arid region nonagricultural timber lands covering important watersheds and affecting the precipitation and the retention of moisture should be reserved permanently for the purpose of creating and maintaining conditions of humidity and the largest and most uniform flow possible to obtain in the streams which are used for the irrigation of arid lands.

Third. That all timbered areas in the first-named region not necessary to insure a reasonable timber supply, and in the entire western region all detached sparsely timbered areas, particularly those not of high altitude and including those which may be valuable for agricultural purposes when cleared, and not by reason of their character and location of primary importance in the maintenance of conditions of humidity or the conservation of a water supply for irrigation, shall gradually, under reasonable laws, pass into the great body of land in private ownership.

Whether or not the forest reserves already established and those in contemplation have and shall be established with sufficient intelligence and care for the uses and purposes suggested in my first proposition is a matter which clearly time alone can answer and experience demonstrate; but we do know that Congress has already granted sufficient power for the accomplishment of these objects, and the responsibility for its carrying out has and will rest with those charged with the administration of the policy of forest preservation. It is true that the task is not an easy one, that it is beset with many difficulties. The area is enormous over which these reserves have been and will be established and extended.

The timbered areas which should be reserved are often interspersed with considerable quantities of lands in private ownership, making the maintenance of the reserves somewhat difficult and involving in their establishment the serious questions of the provisions to be made for the exchange of private holdings for lands elsewhere. But the advantages of such definite, defined reservations, with their corps of officers charged with their maintenance and protection and constantly on the ground and prepared to make such disposition of matured timber as the needs of the communities and the general public shall require and the maintenance of proper forest conditions shall warrant over such wholesale, undefined, and indefinite reservation of nonagricultural timber lands as the bill in question contemplates, are too manifest and apparent to require particularizing.

Coming now to some of the reasons why the timbered lands not included in forest reserves should be disposed of and pass into private ownership, I shall proceed on the assumption that all of the lands necessary for the Government's contribution to the maintenance of a continuous lumber supply and essential for the maintenance of humid and moisture-conserving and proper stream-flow conditions in the arid regions are placed in permanent reserves, for if they are not the responsibility does not rest with Congress, but with those charged with the execution of forest-reserve laws, for Congress has certainly given full authority in these matters, and has even gone to an altogether too liberal extreme in providing for the exchange of the lands of those who may be placed within such reserves and who may conclude that their conditions would be more satisfactory or their property more valuable located elsewhere. This leaves us, then, not only in theory, but as a matter of practice, to deal with under this law and other land laws the detached areas of timber lands here and there not included in

reserves, consisting very largely of lands but sparsely timbered and lands valuable for building or other stone.

These lands, in my opinion, should, as I have said, gradually pass into private ownership, but with the repeal of the timber and stone act no law remains on the statute books whereby timber lands unfit for agriculture can be acquired except by the use of scrip and forest-reserve lieu-land rights. I can conceive of no good argument why nonagricultural or agricultural timber lands, for that matter, outside of their reservations should not pass into private ownership, and there are certainly many reasons why there should be. It is contrary to the time-honored, long-established policy of the Government to maintain vast areas in public ownership undefined as to location except as indicated by their character and not reserved for a specific purpose provided for by law.

As I said at the beginning of my argument, it is impossible to make more than a loose approximation of the area of lands containing some timber not valuable for agricultural purposes and therefore not likely to be homesteaded within the public-land States and outside of the forest reserves, but from the best information that I am able to obtain I believe there are upward of 50,000,000 acres of land in the public-land States which might be sold under the timber and stone act which are unfit for cultivation, and which in the main are not heavily timbered. These lands, if sold gradually, as they will be if the law remains upon the statute books—or at least a portion of them—will bring good returns to the Government, and, by making that additional acreage available for taxation, assist in the development of communities and the maintenance of the Government and administration of the States within which they are located.

Assuming that the lands not included in forest reserves, present or prospective, containing some timber and stone are to be disposed of, it has been urged as against the timber and stone act that vast areas of land have been sold which were worth very much more than \$2.50 an acre. To a certain extent this is true, but not to anything like the extent that has been stated by those favoring repeal of this law. It is true that in California, Oregon, and Washington, and in some parts of Montana and Idaho, lands have been sold under this law which at the time they were sold were worth more than \$2.50 an acre, and in course of time have or will become worth much larger sums. But it should be remembered that these increases in value often come slowly and result, in the majority of instances, from the extension of railroads into the timbered region, which only becomes possible after the purchase of the lands from the Government and their passing into private ownership. But I am informed that the tracts now open to entry under the law in the States mentioned which are worth more than \$2.50 an acre are becoming rare, and it is urged by gentlemen from that region that what, with the purchase of the better lands in the past and the withdrawal of other lands by the creation of forest reserves, there remains at this time only a comparative limited total area of timber lands of any considerable value open to entry, but, on the contrary, there are considerable areas containing a sparse growth of trees of but comparatively little value, which, if the law is not repealed, will gradually become a part of private holdings, will thus be improved and taxed for the benefit of the States and communities.

It is a question, furthermore, whether in disposing of western timber lands outside of the reserves we should insist upon or expect to

secure for the Government the last penny of the values which such lands may represent when utilized by individuals and improved by private enterprise. This has never been a feature of our public-land policy, particularly since we ceased the sale outright of our public lands many years ago.

It should be borne in mind that the timber and stone act applies to all the public-land States, and it should also be remembered that outside of the States of California, Oregon, and Washington, and some areas in Montana and Idaho there is comparatively little land available for entry under the timber and stone act which contains what may be called merchantable timber in the general commercial sense, that throughout the entire intermountain region the timbered lands, especially those not included in reserves, are rocky, broken, and covered with a comparatively sparse growth of small, short-stemmed, and stunted timber, and in all that vast region there has never been any general complaint that the timber and stone act was being utilized for the acquisition of large areas of timber, or that fraud or evasion of the provisions of the law was practiced.

In Utah, Nevada, Arizona, and New Mexico, Wyoming, Colorado, South Dakota, Montana, and Idaho there is comparatively little, and excepting some regions in the last-named two States it can be truthfully said that there is practically no timber and stone land now open to entry under this law that is worth more than \$2.50 an acre. So that the argument that the Government is not receiving a fair price—even a liberal price for its lands sold under this act certainly does not apply to those States. One not informed of the conditions there may find proof of this assertion in the comparatively small area of lands entered in those States under this law in the last fiscal year, when the entries under the timber and stone act reached their maximum. The area of entries for 1893 for the States where the law applied, outside of California, Oregon, and Washington, were as follows:

Entries under timber and stone act in all public-land States, except Pacific coast States, 1903.

State or Territory.	Entries.	Acreage.
Arkansas.....	109	12,099.67
Colorado.....	309	39,691.18
Florida.....	2	247.51
Idaho.....	1,293	190,798.36
Louisiana.....	237	29,483.26
Michigan.....	214	17,750.00
Minnesota.....	1,096	147,765.33
Montana.....	375	51,097.16
Nevada.....	1	160.00
North Dakota.....	2	150.20
South Dakota.....	22	2,147.97
Wisconsin.....	108	8,178.25
Wyoming.....	335	34,891.75
Total.....	4,103	534,460.64

The areas entered in the last three named States in 1903 were as follows:

Entries in Pacific coast States under the timber and stone act, 1903.

State or Territory.	Entries.	Acres.
California.....	1,861	287,578.72
Oregon.....	4,209	645,578.76
Washington.....	2,076	297,604.31
Total.....	8,146	1,230,761.79

I speak from personal knowledge of the working of the timber and stone law in my own State of Wyoming, where the entries last year amounted to 34,891 acres, the same being included in 335 claims of an average area of 10½ acres each, from which it appears that comparatively few entrymen entered the maximum area to which they were entitled under the law. With us the timber and stone act is utilized by farmers and ranchmen for the purpose of securing a wood lot rounding out their holdings, and using the rough, rugged, sparsely timbered lands as a source of supply for the material necessary in the improvement of their farms and ranches and incidently for pasture. The owners of small mills, scattered about over the State sawing rough lumber for local use, purchase lands under the timber and stone act, utilize the timber in an economical way, and use the lands when cleared for pasture purposes, thus putting them to the best possible use, and by protecting them from fires, maintaining a condition most conducive to forest growth. I think I know my State thoroughly well, and I know of no timber lands within its borders worth more than the price which the Government received under the timber and stone act. I know of no lands, and I have taken pains to inform myself on this subject, which have passed into private ownership under the provisions of this law, that could be cultivated when cleared, and none that have not been put to the highest and best uses possible.

No home seeker has been deprived of an opportunity to make a home on account of these entries. On the contrary, this law has made it possible for many men to establish homes and to make permanent and comfortable homes already established by means of the land they were able to secure in addition to their irrigated or cultivated lands under the provisions of this law; and in every case that has come under my observation the Government has received all that the lands were worth, and in a very great many instances much more than it was worth to anyone except the particular individual who purchased it and could utilize it in connection with his other holdings. I have no doubt but what there have been many cases where entrymen have found that even under the conditions which made the acquisition seem desirable to them, as a matter of fact the lands have not been worth what they paid for them. To repeal the act in my State would simply result in retaining perpetually in public ownership a large amount of land which, from every consideration of wise public policy, in the interest of settlement, development, and home building, in the interest of maintenance of schools and county and State governments, should be passed into private ownership, and which, if retained in public ownership with a provision as contained in this bill for the sale of timber, would never bring a penny into the public treasury, because the timber which it contains is of such a character that it would never pay anyone to go to the trouble and expense and subject themselves to the delay and annoyance which would be connected with an effort to purchase the timber from these lands from the Government.

I shall insert here as a part of my remarks the statement of the area entered under the timber and stone act in the State of Wyoming since the said act became applicable to the State in 1892.

Entries under the timber and stone act in Wyoming.

Fiscal year.	Entries.	Acres.	Fiscal year.	Entries.	Acres.
1893.....	13	1,440.82	1900.....	98	9,564.77
1894.....	23	2,969.89	1901.....	194	20,596.13
1895.....	18	2,319.57	1902.....	167	16,445.22
1896.....	32	4,523.36	1903.....	336	34,891.75
1897.....	11	1,400.00			
1898.....	27	3,421.68	Total.....	952	101,637.76
1899.....	34	4,059.57			

Average size of entries, 109 acres.

I do not know that I have any special objection to the enactment of the provisions of this bill which provides for the sale of timber from the public lands, providing the opportunity to buy the lands with the timber is still retained. But I am most emphatically opposed to the wholesale repeal of the timber and stone act, even if accompanied with a provision for the sale of the timber, and for the reasons heretofore stated, and for the further reason that I am opposed to the paternalistic idea involved in this proposition. I am opposed to the Government's going into the business in perpetuity of peddling posts, poles, lumber, and cordwood over all of the timbered areas from Canada to Mexico, and from Dakota to California, and to the exclusion of every body else.

We have already had a taste of the annoying and vexatious delays attending the sale of timber on forest reserves where permanently located officers whose duty it is to attend to the same are in charge; and while we hope and expect that further experience in the administration of the reserves will largely eliminate these maddening delays and annoyances, he is a bold man, indeed, who would invite a repetition of such experiences throughout the length and breadth of the public domain in an area so vast that it would be utterly impossible to maintain sufficient and efficient force of public officers for the purpose of selling the timber necessary for the needs of the people. There is no necessity, nothing in the conditions to warrant such a radical departure from our time-honored policy, and such a wild plunge into peanut peddling paternalism. Let us reserve proper and sufficient areas of timber lands by all means; in fact, we have done that reasonably well already, but let the remaining timber lands become part of the property of our citizens to be taken care of by them and at their expense.

I can't leave this subject without referring to some of the arguments which have been made for the repeal of this law, some of the influences which have been working for the repeal of several of the public-land laws. The gentleman from Idaho (Mr. French) has referred to some of these influences. The repeal of this law has been demanded ostensibly in the interest of the "home builder" by certain disinterested (?) gentlemen who would have us believe that the responsibility of looking after the intending settlers upon the public domain rests entirely upon their shoulders.

Let us disabuse our minds of the idea that the lands which are being disposed of under the timber and stone act are taking away any opportunities from home builders. Timbered lands which are fit for cultivation after being cleared can not legally be taken under this law, and we must assume that this feature of the law can and it certainly should be enforced. If it can not then it is useless to attempt to write any

law upon the statute books with the expectation that they will be enforced. But those who know of the conditions in the West in public-land States know that wherever it is possible to cultivate the land after the timber is removed, the homesteader seeks out such lands and homesteads them. He does not pay the Government \$2.50 an acre when he can get the same lands for nothing. The timber and stone act does, however, operate in the interest of the home builder because it makes it possible in many instances for him to secure in addition to his homestead or his desert-land entry an additional area of 160 acres adjacent to his home which is valuable to him as a wood lot and for pasturage, though it would be of very little value to anyone else.

There is a feature of this repeal proposition that ought to appeal to those who are interested in the national irrigation act, and that is the fact that this law furnished practically half of the national irrigation fund, and last year there went into that fund from the sale of timber and stone lands over four millions of dollars. It is true that this bill provides that the stumpage received from the sale of timber on the public lands shall go into the reclamation fund, but those well acquainted with the conditions are aware that if the sales of lands ceased it would be a long time before there were any considerable sales of timber. There are sufficient timber lands now in private ownership to furnish all of the timber that will be needed for the large operations for many years to come, and while settlers of necessity will be compelled to make many applications immediately for the purchase of timber for local use these purchases would generally be small, would not for many years amount to much in the aggregate and the force of officials required to make such sales would in all probability cost a very large proportion of the amount received. From 63,000,000 of acres of forest reserve last year we only sold \$45,000 worth of timber, and \$32,000 worth of this was from one reserve in the semiarid region.

This committee is called upon to pass upon the repeal of the timber and stone act while there still remains upon the statute books a law under which those holding lands within forest reserves may exchange them for forested lands elsewhere. There are over 2,500,000 acres of railroad and wagon road land grant lands within forest reserves already established, which are now or will become, when surveyed, legitimate bases for lieu selection. The lands are largely but sparsely timbered, or if timbered have been cut over; vast areas of them are almost valueless; and yet a million acres of such lands have already been exchanged for valuable timber lands and exchanges are going on all the time. I introduced and this committee reported a bill early in the Congress prohibiting the exchange of these lands unless they contained valuable timber for timbered lands outside of the reserve. That bill is still on the Calendar. No opportunity has been presented to bring it up for consideration. And yet we know that if we repeal the timber and stone act and leave the forest reserve lieu land law as it now is we will at least double the rights of forest reserve lieu rights, because in that event there will be no way by which timbered lands can be obtained except by the use of these lieu rights.

These forest-reserve lands are largely held by large corporations and syndicates, and by a strange coincidence the executive chairman of the National Irrigation Association, who is most earnestly urging the repeal of this law, admitted a few days ago before the Committee

on Irrigation of Arid Lands that his association was receiving for use in their repeal propaganda \$39,000 per annum from the railroads within whose land grants are the 2,500,000 acres of forest-reserve lands above referred to. It is possible that there should be some modification of the timber and stone act; that in those regions where timber lands are valuable we ought to get a better price for the lands the Government disposes of, but we first ought to see to it that if the Government refuses the right to individuals to buy timber lands at \$2.50 an acre, the owner of comparatively worthless lands within forest reserves should not be allowed to locate such lands in tracts of thousands and tens of thousands of acres.

The question then resolves itself into a simple proposition as to whether we shall practically reserve from private entry and retain forever in public ownership all public lands not fit for cultivation which may contain the most sparse and straggling growth of timber, for we must bear in mind that the repeal of the timber and stone law leaves no law upon the statute books under which such lands can, as a matter of fact, pass into private ownership, except, of course, by the use of scrip and forest-reserve lieu rights. The homesteader can not take these lands, because they are not fit for cultivation, no matter how much he may desire a 160-acre tract of such land for the purpose of using its timber in the development of his farm and for the purpose of furnishing him pasturage for a few cows and horses.

The desert entryman can not take these lands, because they are not susceptible of irrigation. And thus the repeal of this law would retain in perpetual reservation nobody knows how many million acres of land, the vast proportion of it not covered with commercially valuable timber, and scattered in bodies large and small, interspersed with open parks and grazing and farming country over the entire western one-third of the United States. I confess that the more I think of it the more I am amazed at the proposition, and particularly when I hear of people who pretend to be the friends of national irrigation proposing the repeal of a law which furnishes half the income of the fund and the repeal of which would prevent the sale of many thousands of acres of lands by the Government, from the vast proportion of which no income would ever be derived by the sale of timber.

We all know that the frauds under the timber and stone act have been monstrously magnified. So far as nine-tenths of the area over which the law operates is concerned there is no claim of fraud or evasion of the law by anyone, and as to the remaining area, to wit, the heavily timbered sections where the entries have largely increased within the past few years along with the general increase in the sales of all classes of lands, public and private, while many thousands of entries have been suspended, the cases of proven fraud have amounted to but 2 or 3 per cent. There has been a great deal said about the danger of the lands sold under this law in the heavily timbered regions of the Pacific coast ultimately passing into large holdings. I think quite likely that to a certain extent that will be true, for we all know that lumber operations, where carried on with the view of supplying the general market, can only be carried on with large capital and on an extensive scale, and certainly the plan of timber sales contemplated by the bill before us for consideration was not intended to prevent individuals or corporations from buying large areas of timber. Under the

bill proposed the Secretary of the Interior could sell to a single individual or a corporation an unlimited quantity of timber from the public lands.

The discussion of this bill naturally brings up the entire question of public land laws and reminds us that a vast proportion of the agitation for the repeal of certain laws can be traced to a few individuals and associations. As an illustration of this, I notice that so reputable a journal as the *American Agriculturist* some days ago issued an advance sheet containing an editorial which is to appear in that journal under the caption "An earnest word with Senate and House at this crisis," and then proceeds to an editorial undoubtedly intended in good faith but containing from start to finish a glaring array of misleading statements and false assumptions. The real kernel of this editorial is an appeal to the Congress to follow the recommendation of a certain Oregon grand jury, which grand jury, departing in a most remarkable manner from the business before it, gravely proposes an entire reconstruction of all the land laws of the nation along the lines suggested by them.

Some of the suggestions made by this Oregon grand jury have such a familiar sound and savor so strongly of the utterances of the Maxwell land repeal bureau which is receiving, according to its executive chairman, \$39,000 a year from the railroads, that I became curious to know just how the seeming similarity of thought and expression came about. So I began an investigation, which led to the discovery that the chairman of this grand jury was a coffee merchant of the city of Portland, a very estimable gentleman, well up in the coffee and spice trade, but so far as I have been able to learn profoundly innocent of any practical knowledge of the operation of the land laws; and this gentleman, so it appears, is the bosom friend and confidant of the ubiquitous and ingratiating executive chairman of the railroad land repeal bureau, and to the chairman of the grand jury belongs the credit of presenting to that august body the repeal bureau's scheme of wiping out the land laws. And this is the machine-made Maxwell-inspired protest against the land laws which has deceived and misled even so virtuous and respectable a journal as the *American Agriculturist*.

The gentleman from Kansas who appeared before the committee the other day insisted on repeating the misleading statement upon which the changes have been so industriously rung by the repealers that over 23,000,000 acres of land was "disposed of" during the fiscal year 1903, and this statement was made by him, as it has been by others, as a convincing argument that we were disposing of the public domain at an extravagant rate, and therefore the land laws must all be repealed. It is an amazing thing to me that while we had numerous laws which made easy the acquisition of large areas of territory when we had really good lands to dispose of that the agitation for wholesale repeal of the few land laws remaining should come at a time when the limit which one may acquire under all the land laws has been reduced to 320 acres and when practically all the first-class lands had been disposed of. But even more incomprehensible to me has been the persistency with which erroneous and misleading statements are constantly being made as to the rate of disposition of the public lands in order to bolster up the argument for repeal.

In order that we may have a clear understanding of the operations

of the land laws, I append hereto an official statement of the total disposition of the public lands under all of the land laws for the year 1903:

Lands disposed of under all land laws in 1903.

Lands (except Indian lands) disposed of by the United States to individuals under all laws, except mineral laws, in 1903:		Acres
Private entry		28,899.40
Public auction		59,058.54
Preemption entries		14,200.57
Timber and stone	1,765,222.43	
Excesses on homesteads	22,676.71	
Town sites	1,111.02	
Supplemental payments	5.34	
Abandoned military reservations	1,033.28	
Under special acts	20,809.41	
Military bounty warrants	26,821.08	
Agricultural college and other scrip	11,675.27	
Final desert-land entries	264,533.62	
Homesteads commuted	2,194,991.69	
Timber-culture entries commuted	1,320.00	
Supplemental payments	120.00	
Cash substitutions	1,398.23	
Abandoned military reservations	4,642.10	
Act March 3, 1887	160.00	
Final homestead entries	3,576,964.14	
Final timber-culture entries	176,203.23	
Military bounty-land warrants, final	1,075.90	
Private scrip	1,085.23	
		<hr/> 8,174,007.10
Mineral lands disposed of:		Acres.
Coal-land entries	38,007.88	
Mineral-land entries	97,046.64	
Total		<hr/> 135,054.52
Indian lands:		
Commuted homesteads	69,032.26	
Desert entries	8,622.11	
Tribal lands	173,371.56	
Total		<hr/> 251,025.93
Total dispositions, agricultural, forest, mineral, Indian, and miscellaneous lands under all laws in 1903		<hr/> 8,560,087.55

From this table it appears that we finally disposed of during the last fiscal year under all of the land laws not 23,000,000 acres, as the gentleman from Kansas stated, but something over 8,000,000 acres. It's true that original entries were made under the homestead law and the desert-land act last year of over 12,000,000 of acres; but nobody knows how much of this land will ultimately pass into private ownership. Taking the percentage of past years, probably about one-third. But whatever the amount is it will appear in the land reports of years to come in the shape of final entries to swell the aggregate of land disposition for the year in which the final entry was made, just as original entries of three and five years ago under these laws constitute a considerable portion of the final dispositions of last year, as set out in the above tables. The gentleman from Kansas gets his large acreage, which he calls "lands disposed of," by adding the original entries of the year to the acreage selected or patented to railroads, wagon roads, and to States under various laws years ago, but only now being selected and patented. How misleading an estimate of this kind, as the aggre-

gate of lands disposed of under the land laws is, will be readily seen if we stop for a moment to consider that there is still upward of 50,000,000 of acres granted many years ago to railroads unselected and unpatented; that the Government still owes millions of acres to the various States under grants made them at the time of their admission; and, it would be possible to have practically all this great acreage selected and patented in a single year, in which case it would be paraded by the repealers as evidence that the lands of the nation were "being gobbled up" with tremendous rapidity.

As it was, there were selected or patented under these various classes of grants last year 8,330,404 acres, and this is a large part of the 23,000,000 acres which the gentleman from Kansas paraded as though they were lands disposed of under the current operation of the land laws. These grants were made years ago. We have no control over them; the only duty of the Government is to enter of record the selections made under these various grants and to patent them as the States and the corporations may select and designate them and ask for certification and patent. These vast areas which must yet be patented under old grants look large indeed compared with the little over 6,000,000 of acres which includes all of the acreage entered under the timber and stone act since it was placed upon the statute books. We patented over 5,000,000 to railroads last year alone, and the total acreage patented to railroads and wagon roads in land grants amount to over 106,000,000 acres.

I shall append to my remarks some observations which I made with regard to the proposed repeal of this law on the floor of the House March 2, 1903, as I believe the arguments then made apply with equal force to the situation as we find it to-day, and also a newspaper article on the repeal lobby:

TIMBER AND STONE ACT.

Another law which the repealers propose to strike from the statute book is that which allows any American citizen to purchase not to exceed 160 acres of land chiefly valuable for the timber or stone it contains and not fit for agricultural purposes, at \$2.50 an acre. The discussion of the propriety of repealing this law involves two main questions: First, should the Government from now on seek to become a monopolist of all the remaining timber land of the nation; and, second, if the timber lands or any portion of them should be sold, should they be sold at what amounts in some instances to a nominal price or should their value be determined and a price fixed which reasonably measures the same?

FOREST RESERVATIONS, WHEN TO BE ESTABLISHED.

To the first of these propositions personally I am emphatically opposed, and for many reasons. March 3, 1891, Congress enacted a law authorizing the President "to set apart and reserve lands bearing forests, whether of commercial value or not," as forest reserves. The purposes sought to be served by the establishment of these reserves were declared in the act of June 4, 1897, as follows:

"No public forest reservation shall be established except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flow and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein or for agricultural purposes than for forest purposes."

Under this act about 61,000,000 acres of lands have been reserved, and with the objects and purposes of these reservations, as declared in the statute above quoted, I am in full and hearty sympathy, and in so far as those objects have been kept clearly in view and the limitations of the act recognized and adhered to in the creation and

administration of the reserves I believe the policy has the general indorsement of the people of the country. If there is other forested area the reservation and preservation of which is demanded in the carrying out of the national policy heretofore declared, such reservation, in my judgment, should be made. But we have on the public domain perhaps 60,000,000 or 70,000,000 acres of lands yet outside of the reserves, having a more or less valuable growth of timber, a great portion of which consists of scattered and detached patches and regions rough and rocky in character, bearing but a scrubby, scattering, and comparatively valueless growth of trees, and not susceptible in the main of supporting a more dense or valuable growth.

DANGER OF REPEAL.

A repeal of the timber and stone act would render it impossible for settlers in the West to obtain title to any of this land except under the homestead law or through the medium of so-called scrip, and would necessarily compel the Government to go into the business of the sale of timber piecemeal over the entire area of the public-land States, and he certainly would be a most enthusiastic optimist who would contemplate such a proposition, and the delays, criticisms, and friction, not to say speculation and fraud, which such a system would invite, with confidence and cheerfulness.

We are told that under the timber and stone act in the aggregate large areas of valuable timber lands have been purchased, and perforce this must spell public calamity and private fraud. The same causes which have led to the increases in the disposition of other public lands had their bearing on operations under the timber and stone act, to wit, good times and the accumulation of savings, and this has been augmented by the fact that timber is growing scarce in some of the regions which have heretofore been large producers, and there has been a disposition to purchase timber and stone lands in some of the States in anticipation of an increase in value with the development of transportation facilities. The aggregate of entries under this law in the recent past has not been as large as one might be led to suppose from all that has been said on the subject. The total sales for 1891 aggregated 396,445 acres, and for 1902, 545,253 acres, and estimating our public forest lands, outside of forest reserves, at the very conservative figure of 50,000,000 acres, at the rate of last year's disposal we would still be selling timber lands a hundred years hence.

The increase in 1902 over 1901 amounted to 150,000 acres, and when it is considered that the area over which these lands were sold comprises over one-third of the United States, neither the increase of sales nor the total area sold can be considered particularly large. While there have been slight increases in the sales under this act in various portions of the region over which it operates in the past two years, the principal increase has been confined to the States of Washington, Oregon, Idaho, and California.

No doubt a considerable portion of the timber lands which have been purchased under this law in the States named contained forests which, in the course of time, with the advent of transportation facilities, will be valuable, but the fact that, in these prosperous times, and with the great inquiry there has been in the past two years for forest lands, there has been but little increase in the amount of lands purchased under the timber and stone act outside of the States named is the best possible proof that the major portion of the forested area of the country is not considered worth \$2.50 an acre at the present time.

WHY NOT PLACE VALUABLE FOREST LAND IN FOREST RESERVES?

Not only has the increased sales of timber lands in the last two years been confined to comparatively few States, but to a few land districts in those States, and this fact naturally leads the layman to inquire, why is it, if it be not good public policy that these timber lands, said to be very valuable, should be disposed of under this law, that they are not reserved by the creation of forest reserves? While it may be suggested that it is not wise or practicable to reserve all or even the best and the most valuable of our timber lands, some of which a high official of the Government recently reported were worth a hundred times what the Government is receiving for them, the natural inquiry is, why is it not practicable?

In view of the fact that vast areas have been included in forest reserves which were as barren of timber or even of brush as a Kansas prairie, and in view of the further fact that only the most persistent and emphatic protests have kept further large areas of this kind out of the forest reserves, and that in spite of all protests considerable regions of this character have in the past been included in forest reserves, it strikes some of us as passing strange that what are officially alleged and declared

to be particularly and especially valuable timber lands, and which are located in reasonably solid and compact bodies, are not reserved and preserved under the forest-reserve law.

GET THE FOREST RESERVES IN THE RIGHT PLACE.

In this connection I am reminded of a colloquy which occurred some time ago between an official in high station and a gentleman with whom he was discussing the location of forest-reserve lieu rights. Said the official, who, by the way, had had something to do with the establishment of forest reserves: "Just think of it; a man can relinquish his right to a tract of absolutely untimbered and comparatively worthless land within a forest reserve and locate the same on the most magnificent forested land on the continent, some of which contains half a million feet of lumber to the acre. Now, what do you think of that situation?" Said the gentleman thus appealed to: "What do I think of it? I think you have got your forest reserves in the wrong place."

It is my opinion that mountainous forested tracts, the preservation of which is necessary for the purposes declared in the statute relating to forest reserves above quoted, should be reserved, and that the use of these reserves should be allowed in all ways not harmful, and that such reservations should be confined absolutely to mountain and timber lands, and should not include large areas of agricultural or grazing lands, and that all of the forested lands of the Government, other than those thus reserved, should, under proper restrictions, from time to time be disposed of.

I have never believed that there should be a flat price for timber lands all over the United States. In the region covering the summit and the eastern slopes of the Rocky Mountains there is but little, if any, timber land worth more than \$2.50 an acre, for the reason that the timber is generally scattering and inclined to be scrubby and of but little commercial value except for local use. On the western slope, on the contrary, the Government has no doubt sold considerable areas of timber land which, if not at the time sold, at least within a reasonable length of time, would be worth more than \$2.50 an acre, and I think the timber and stone act might well be amended so that in regions heavily timbered a price approximately measuring the value of the tract may be obtained.

From a very considerable experience and observation it is my opinion that east of the continental divide of the Rocky Mountains, and in large areas west of it, the Government has made but few sales of land under the timber and stone act in which it did not receive all that the land was worth, and to my personal knowledge many tracts have been purchased which could not have been disposed of if owned by a private individual for as much as the Government price. Owners of small sawmills, to supply local demands, have purchased these tracts, and many thousands of acres of rough, rocky land with but a sparse growth of timber, worthless for agricultural purposes, and except in a limited way for grazing, have been purchased by settlers to round out their holdings and combine the benefits of a limited amount of pasture with the advantages of a private wood lot, and in all this class of purchases the Government has made a most advantageous sale from every point of view.

AS TO FORESTRY.

We have heard a great deal in the past few years about European and particularly German forestry systems, and there are some very good people who are so utterly impracticable as to imagine that you can transplant, in all its detail, a forestry system maintained over limited areas in a densely populated region under a bureaucratic and monarchical form of government and fit it, without alteration or amendment, to the comparatively limitless areas of the public-land States in a region sparsely settled, largely undeveloped, from 1,500 to 2,500 miles from the seat of Government, and settled by a people unaccustomed and opposed to bureaucratic methods, and with the liveliest and most virile notions of individual ownership and local control.

No doubt we can get some valuable pointers on forest preservation from European monarchies, but in the main their methods do not and can not fit the conditions here, at least in the distant undeveloped and largely unsettled portions of the country. Every attempt to apply them will lead to friction and result in failure, and to attempt to retain in public ownership all of the public lands of the United States containing timber, to administer and protect the same and dispose of its product, would be impossible of execution, impracticable, and disastrous.

WHERE THE REPEAL AGITATION COMES FROM.

Having discussed these various laws which it has been suggested should be repealed, it might not be improper to inquire as to some of the sources of the agita-

tion for such repeal. It is very natural, it seems to me, that a conscientious official charged with the execution of the public-land laws, desirous of preserving his administration of those laws from any taint or suspicion of fraud, and to see that they are executed in accordance with their letter and their spirit, mindful of the responsibility resting upon him, should be sensitive to and influenced by criticisms which may be made relative to the character of the administration of the same, and confronted with considerable increased demands for public lands and the knowledge that at all times, under the best administration, some frauds against the spirit, if not the letter, of the laws will be perpetrated, should be influenced in his views by the disposition that exists in all Government bureaus to apply the brake at the least suspicion of danger, to err, if at all, on the side of conservatism, and by the exaggerated, inflammatory, and oftentimes untrue statements and criticisms, the cunningly devised, artfully and ingeniously executed appeals and recommendations, in person and through seemingly disinterested channels, of those who cloak a peculiar and personal interest in the repeal of the land laws under the virtuous and saintly garb of disinterested solicitation for the people's welfare and sleepless anxiety lest "the people's heritage" should be "gobbled up" and not reserved for "future generations."

Now, it may be worth our while to inquire briefly whether or not there are any people or interests in these United States that would be served and benefited by the repeal of practically all the land laws save that which allows the settler to go upon the public lands under the generally adverse and hard condition surrounding a location on the public domain at this time and obtain a title to 160 acres after five years of residence and cultivation. Everybody knows, and the repealers must admit, that the repeals recommended would largely decrease the rate of disposition of the public lands, that there would be comparatively few who would be willing to go upon the remaining public lands charged with a knowledge of the fact that under no circumstances or conditions could they ever obtain a title, except after five years of residence. The idea, then, is to discourage the taking up of the public lands. That is the avowed aim and purpose of a large class of the repealers.

THE LARGE STOCK GROWERS.

Let us see who would be benefited. In the first place, every large stock owner, who, by continual purchases for a series of years, has acquired the title to all of the lands having a water frontage, or upon which water can be developed, or which is of especial value over a considerable area. He might very likely be benefited by the repeal of the commutation clause of the homestead law and the desert-land act, for while a hardy settler might venture somewhere within the limits of the area he controls and attempt reclamation under the desert act, or the establishment of a home under the homestead act with a view of commutation if the conditions proved such that he could not support his family, or even the taking of 160 acres of rocky, scrubby, timber land with the view of utilizing it for pasture purposes, or for the building of a storage reservoir, few, if any, would be found with the temerity to enter such a territory, bound to a five-year residence with his family; and thus we see that the repeal of the laws in question would undoubtedly result in the perpetuation of certain range monopolies. But so far as I know we are not hearing from people of this class with regard to these matters, whatever may be their personal interest. Most men so situated have too keen a sense of what is right and just to advocate anything of the kind, even though it might redound to their benefit.

THE LAND-GRANT RAILROADS.

In the discussion of this matter, however, we must remember that Uncle Sam has very extensive competitors in the real-estate business—competitors whom he set up in business in this line thirty to forty years ago, with the view of encouraging the building of railroads, to wit, the land-grant railways. So far as the interests of those corporations are concerned in the matter of disposition of lands, they are practically identical, and therefore we may properly consider their interests as consolidated. These railways, first and last, have received grants of 197,000,000 acres of land from the Government, about 35,000,000 of which have been forfeited, leaving about 162,000,000 of railroad grants. How great a proportion of these grants are still in the hands of the railroad companies or the land companies organized by them it is impossible at this time to determine. We do know, however, that the railroad companies own at least 64,000,000 acres of land, or an area as large as Louisiana and Michigan, for this amount of their land grants have not as yet been patented to them. Quite likely some of these unpatented lands have been already sold. It is equally probable that a considerable portion of the patented lands have not been sold. So I

think it is fair to assume that the various land-grant roads still own 64,000,000 acres of land, and to this we can add some two or three hundred thousand acres as probably a fair estimate of their grants still in the hands of wagon-road companies. Even if this estimate should prove high, still it will be seen that here is a great real-estate interest.

Now, everybody knows that the value of an article depends upon two propositions: First, the demand; second, the readily obtainable supply.

Does anyone doubt that the repeal of a number of important land laws would increase the sale and largely the value of railroad lands? Let us be conservative and imagine that but 50 cents an acre is added to their value by the repeal of the desert-land act, the commutation clause of the homestead act, and the timber and stone act, and we have, on an estimate of 64,000,000 acres still in the possession of the railroad companies, the very snug sum of \$32,000,000—a sum which is quite worth the getting, and in the securing of which, as a purely business proposition, in addition to the benefits which would flow from having settlement concentrated along the lines of the railways, it is conceivable it might pay to maintain under virtuous disguise a well-paid lobby.

THE LOBBY AND ITS METHODS.

Such a lobby would probably include a few journals under catchy and reassuring titles; possibly a part of a programme of this kind would be the somewhat stale and threadbare policy of getting up petitions reciting in a startling and appealing style certain allegations, which would be interesting and important if true, a call to arms and slogan to the clans so artfully worded that he who innocently accepted the premises must be swept as by a Kansas cyclone to the startling, dramatic, and irresistible conclusion, to wit, that the welfare of the nation depends upon the repeal of most of the land laws, and no doubt these "artful dodgers" would be sent broadcast, care being taken to have them fall only into the hands of those having no knowledge of the facts, but such as are always glad to join in a righteous crusade, and who, taking the statements of the petitions as gospel truth, as per directions from headquarters of the repeal bureau, would sign and forward them to their Congressmen.

I have no quarrel whatever with railroads or other people who may employ what they consider legitimate methods for the increase of their revenues and for the benefit of their interests, but, in view of the facts of the situation, it is not strange that some people refuse to accept as wholly disinterested and altruistic the frantic efforts of a certain coterie of literary and petition-distributing repealers.

Their very close connection with interests which would be largely benefited is, to say the least, suspicious, and, in view of the facts, their attempts to mislead the people as to the true inwardness of their repeal efforts is the most splendid exhibition of nerve and effrontery which has been witnessed for some time.

HOW PRIVATE INTERESTS WOULD PROFIT.

The manner in which the repeal of the laws we are discussing would increase the sales of land-grant lands and enhance their value is so well understood by those living in the region affected that it need not be discussed at length. Suffice it to say that the average home seeker, rather than go upon a tract of public land with the absolute assurance that he can not obtain title except at the expiration of five years' residence, would prefer to purchase land outright from a land-grant company on long time and easy payments, even at more than the very reasonable price at which land-grant lands are now offered. With the desert-land law repealed, he who sought to irrigate a tract of land, but appreciated the fact that it would be impossible during the three or four years required for the construction of his reservoirs or his ditches to reside upon the tract, as would be required under the homestead law, would naturally seek a tract of railroad or other land in private ownership for the undertaking of his project.

BENEFITS TO SCRIP HOLDERS.

We have a provision of law under which lands in private ownership within forest reserves may be exchanged for any other surveyed lands in the country, nonmineral and unreserved. It is estimated that the forest reserves of the country have within their borders, or had when established, some two and three-fourths millions of acres of land which were the basis for lieu selections. A very great proportion of these lands were railroad land-grant lands, and the right of lieu selection therefore rests in the railroad company, so far as they have not disposed of the lands in question.

About one and one-half million acres of these lands have been utilized as a basis for lieu selections, leaving perhaps one and one-quarter millions of acres still outstanding.

This area is largely in the hands of a few persons or corporations. At the present time these rights or scrip sell at from \$4 to \$5 an acre, I am told. It is said that it is largely used for the location of valuable timber lands, and in this use its only competitor is the timber and stone act, under which any citizen can secure 160 acres at \$2.50 an acre. Does any one doubt that the repeal of the timber and stone act would largely increase the value of forest reserve and, in fact, of all other classes of lieu rights and scrip? Not at all. On the contrary, no one who knows anything about the situation can honestly deny the proposition that the repeal of the timber and stone act would nearly, if not quite, double the value of all forest reserve lieu rights and other classes of so-called scrip, and here, then, is a modest little item of five or six millions of dollars which we would legislate into the pockets of scrip holders by the repeal of the timber and stone act.

IS MORE TO FOLLOW.—MAXWELL DID NOT TELL ALL OF THE STORY OF THE IRRIGATION LOBBY.—TOLD ENOUGH, HOWEVER, IT IS SAID, TO LEAD TO THE SUSPICION THAT A SCANDAL IS BREWING IN CONNECTION WITH THE IRRIGATION WORK IN THE WEST.—PUMPED BY CONGRESSMAN MONDELL.

WASHINGTON, D. C., *April 19.*

A general belief is that George H. Maxwell, the railroad lobbyist, when recently before the House Committee on Irrigation, giving that committee the details of how much money was annually contributed to his lobby, by no means told all of the story, but he told enough, with other facts which have been well known to members of Congress for some time past, to lead to the suspicion that a scandal is brewing in connection with the irrigation work in the West. The lid has been lifted a little and a peep has been given at a condition of affairs which is interesting if not startling. Under a cross fire of questioning by Representative Mondell, of Wyoming, Mr. Maxwell admitted that for the last four or five years the Northern Pacific, the Union Pacific, the Southern Pacific, the Atchison, Topeka and Santa Fe, the Great Northern, and the Burlington and Quincy railroads had contributed \$6,000 each to the National Irrigation Association, of which he is the head, and the Rock Island railroad had contributed \$3,000 a year. Mr. Maxwell stated that altogether the fund he collected for the purpose of lobbying in Washington, and maintaining his press bureau, and conducting his campaign of education, exceeded \$50,000 a year.

These facts make the operations of Mr. Maxwell during the past five years of special interest at this time. No one denies that Mr. Maxwell and his magazines, "The Talisman" and "The Homemaker," his press bureau, etc., did considerable in shaping public sentiment for the passage of the national irrigation act, but it appears that at the time this act was before Congress, Mr. Maxwell was an attorney from California, who had explained to the various railroad officials concerned the advantages which the railroads would derive in one way or another from having the arid lands irrigated at Government expense, and had come to Washington with a fund of \$50,000 a year to lobby an irrigation bill through Congress. But Mr. Maxwell's idea of a national irrigation act was somewhat different from that entertained by the Senators and Members of Congress. He wanted a continuing project, on the order of the river and harbor bill, so that provision would be made one Congress after another for certain projects. In this way the services of a man well informed as to irrigation matters and thoroughly identified with them would be found valuable to the railroads and others seeking to have certain projects taken up; and it is justice to Mr. Maxwell's talents to presume that he took this fact into consideration.

At any rate, Mr. Maxwell or the National Irrigation Association, and the committee of Senators and Representatives split, with the result that Mr. Maxwell attempted to defeat the national irrigation act. Beaten in the Senate, he attacked the House, and when he found that he would be unsuccessful before that body he carried the matter to the President, whose attention he obtained through the assistance of influential friends. Mr. Mondell, of the House committee, arranged a meeting at the White House, which resulted in President Roosevelt asking Representative Mondell if he would object to two minor changes being made in the phraseology of the bill. Mr. Mondell, and the others, stated that as the proposed changes would not essentially affect the bill they had no objection, and the changes were made and the bill soon after became a law.

It would appear that Mr. Maxwell's usefulness in Washington had ceased with the passage of this law. But not so. To quote a member of the House Committee on

Irrigation, who claims to be thoroughly familiar with Mr. Maxwell's methods: "Mr. Maxwell then approached the railroads with a proposition. The land-grant railroads own two and a half million acres within the forest reserves. Much of this land is valueless as timber land, and if it could be sold would not bring more than 50 cents an acre. But under the lieu land law this can be exchanged for nonreserved surveyed timber land which the Government owns. For the ordinary person to obtain timber land he must take up a claim and pay \$2.50 per acre for it, so that the land exchangeable for the two and a half million acres referred to is only a trifle above the cost of taking land under the timber and stone act. But if the timber and stone act were repealed there would be only two ways of getting timber land which now belongs to the Government, the first under the provisions of the homestead act, and the second by exchanging land within the forest reserves.

"The natural consequences of this is that the value of the two and a half million acres of timber land which the land-grant railroads are entitled to claim would rise from \$4 to \$5 per acre to at least \$15 per acre, which would put \$25,000,000 into the pockets of the land-grant railroads and their guaranties.

"Again, the land-grant railroads still own some 40,000,000 acres of land along their roads. If it were impossible for a settler to obtain any Government land except under the homestead act, and then he would be limited to 160 acres and be required to live five years upon the same before he could claim title, it is reasonable to presume that many of the settlers now taking up Government lands in conjunction with the timber and stone acts and desert act would prefer to purchase the land from the railroads on long time and where he could buy as much of it as he wished. Consequently, the demand for the 40,000,000 acres held by the railroads would be highly stimulated and the railroads would greatly profit thereby.

When Mr. Maxwell presented these facts to the railroads they immediately saw that if the above laws could be repealed it would mean millions of dollars to them, and they continued the subsidy of \$39,000 per annum. Since then Mr. Maxwell has strenuously advocated the repeal of the timber and stone act, the desert-land act, and the commutation clause of the homestead act in his own periodicals and throughout the press in general as far as he could reach it.

WASHINGTON, D. C., *Friday, April 22, 1904.*

The committee this day met at 10.30 o'clock a. m., Hon. John F. Lacey in the chair.

The CHAIRMAN. The committee will be in order. Now, we have a quorum. If there are any gentlemen who want to say anything in regard to the timber and stone repeal act they can do so, and their statements will go into the record.

Mr. MONDELL. There has been so much said officially about the repeal of land laws and the necessity for repeals that, as I take it, the recent special commission finally concluded that here was a law which, as regards its operations in some particular districts, had been open to considerable criticism, and if they were going to do anything toward recommending repeal, this was perhaps the law that ought to be repealed or amended, from their standpoint.

I refer to the special commission which recently investigated the operation of the public-land laws, consisting of Mr. Richards, the Commissioner of the General Land Office, whom I have known well and personally for a long time; Mr. Pinchot, a forestry enthusiast, who believes that no forested lands should ever pass into private ownership anywhere, but that lands containing timber should be public property always; and Mr. Newell, a scientist and irrigation expert. Their views, under the circumstances, are therefore not surprising. Mr. Pinchot takes the extreme view of an enthusiast and theorist. Mr. Newell naturally takes largely the same view, from the standpoint of the irrigator, and naturally neither of those gentlemen is impressed with the difficulties which would surround the administration of a law

under which every man who wanted a stick of timber in the entire country would have to go to the Government agent to get it—a system or theory which, in my opinion, would be a violation of our time-honored policy of gradually passing the public lands into private ownership.

The CHAIRMAN. The reporter is here, and I would be glad if any gentleman desires to say anything to go into the record on this timber and stone act to have him state it to the committee now so that it can be taken down. We are going to send these hearings to the press immediately, and we would like to finish what additional statements are desired to be made to-day.

Mr. MONDELL. I suppose any gentleman can present his views in writing in the next day or two, if he chooses to do so?

The CHAIRMAN. Oh, yes; anything can be handed in to-day or to-morrow to go into the hearings. If there is no gentleman who wants to say anything for the record, we will take up the bill and consider it.

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**STATEMENT OF HON. ANDREW J. VOLSTEAD, REPRESENTATIVE
FROM MINNESOTA.**

Mr. VOLSTEAD. I believe the same now that I did at the time these hearings commenced. In my judgment the stone and timber act ought to be repealed. The principal objections urged against the repeal are, first, that the railways favor the repeal; second, that the repeal would create a monopoly in timber land; third, that the law is in favor of the poor, and, fourth, that the repeal would retard the development of the West.

I do not consider it material whether the railways are for or against the repeal. It is suggested that those that have railway grants of timber land desire the repeal, but it should not be overlooked that these railways are profoundly interested in the subject of irrigation, and are naturally anxious that these timber lands should be sold at some fair valuation, so that the proceeds may go toward irrigation. No railway lobby has appeared here to secure the repeal of this act, while considerable has been said in favor of having this land pass into private ownership, so that large lumber companies can secure it and use it.

It is said that if the law was repealed the Secretary of the Interior would sell the land in large tracts to the highest bidder, and thus prevent the poor man from securing any, and that the Secretary himself would be arbitrary and monopolize the timber, to the detriment of the people. These claims either intentionally or unconsciously ignore the fact that in passing an act repealing this law we are at liberty to regulate the manner in which this land shall be sold, and can prevent the result complained of. A provision can be inserted in this bill that, for the future, timber shall be sold in tracts of 40 acres, and that a person can only purchase, say, a section or quarter section, and hold not to exceed 1,000 acres, or even much less. The bill before us provides that a purchaser can not assign his purchase without the consent of the Secretary. Provisions can be inserted in this bill that would make it very favorable to the home builder and the small mill owner—the real pioneers. Those who urge that the lands must be held in large tracts to be used need not concern themselves; there are already

vast tracts so held, and there is still an abundance of scrip that will make more of those large holdings. There is in my judgment no danger that the Secretary will act the part of a monopolist. A monopolist to be dangerous must have an interest opposed to the interest of the public. The Secretary has no such interest. On the contrary, not only would duty but self-interest dictate that he should adopt a fair and liberal policy to the people of the States affected. I feel satisfied that no real fear is entertained on that score.

The contention that this law is in the interest of the poor is, to my mind, unfounded. The substitute can for all legitimate purposes be made much more favorable to the poor, and, as a consequence, be made much more favorable toward the upbuilding of the State. A law that tends to a monopoly of these lands is not in the interest of the poor. I know that from my own State excursions have gone west for the very purpose of taking these lands under this act. These excursions have been advertised and planned to secure people to make these entries. It was not the poor, but people of means who went there; men and women who had money to invest as a speculation. They did not go there to make homes. As soon as these lands are patented they will be for sale, and some day the parties who were back of this movement will no doubt find the parties who made these entries and purchase the land. Hundreds of others have, no doubt, likewise been induced to make entries. This does not necessarily prove fraud, but it does mean that the restriction allowing to each person only 160 acres can easily be evaded, and that land so held for speculation is in a position to pass into large holdings. It is not disputed, but has been admitted here, that under this law large holdings have been secured.

This law is opposed in principle to the policy upon which lands have been secured by the people in the Middle West. That policy aimed to place the land in the hands of those who would use it. This law, without requiring use, places it in the hands of the speculator. As this land is unsuitable for agricultural purposes, it can not be argued that the person taking it should be allowed to hold it and sell the timber while he is building and clearing for a home. The land to be taken must be of value for timber or stone only, and when such land is taken it is secured almost exclusively for future sale as a speculation. It stands practically confessed that the timber upon much of this land is worth a great deal more than the Government secures for it, and I confess I can see no reason why a person that is not required to make use of it, or in any way help build up the country, should be allowed to take this land at a price disproportionate to its real value. Why should a law remain on the statute book that compels the Government to sell its timber at a price ridiculously unfair; sell this which is simply a commercial commodity. No specious plea that this is in the interest of the poor, or that railways or monopolies are or are not in favor of it, can make this law fair or just.

It is not necessary to call attention to the fact that when this timber is needed much of it will be worth more than \$100 per acre, and that until needed it might well remain public property. It is generally worth to-day, as shown by the value of timber-land scrip selling upon the market at from \$5 to \$7 or \$8 per acre, several times the price at which the Government is under this law compelled to sell it. Millions of dollars are being lost to the irrigation fund, where this excess value should go under the policy adopted by Congress in regard to the

proceeds of these lands. I do not want the Government to cling to this land as a miser does to his dollars, but I desire that what is left should be sold in small tracts upon liberal terms to the parties who desire to use it. This will tend to secure to the poor man, and to the man of small means, the full value of the timber, and, in my judgment, do infinitely more toward building up the country. Such a policy would be in favor of the actual home builder, and would be justified even though it did not secure the highest price; it would be in line with the homestead, preemption, and timber acts.

As the lands that can be taken under this act must under the law be of no value for agricultural purposes, I believe the Government should retain title to the land. The timber when sold would be taxed. The land without the timber is at present worthless and has no taxable value, but it will in years to come have a value for forestry purposes. Many of the older States are now striving to secure title to this class of land so as to secure to their citizens a much-needed timber supply. Let us not give away what has no value now, but retain it against the day of need. I desire to protest against a policy which, in my judgment, takes the timber from those who desire to use it and who need it in building up homes and in developing the country; a policy that compels the Government to sell its valuable timber lands for a mere pittance to speculators, and which has a tendency to build up baronial estates hostile to local development; a policy at variance with all our traditions—one which not only robs the government but the people of the States affected, in that it takes from the irrigation fund millions that should be used to reclaim that western country and make homes for a citizenship that would represent real growth and substantial development.

This law should be repealed now; if not, there will be a rush for these lands during this summer that will make some parties apologize for the delay. The day has come when this land has value. The timber supply in the Mississippi Valley is rapidly being exhausted, and that section is now drawing largely from the Pacific coast for its lumber. It is this demand, coupled with the local demand, that is making this timber land valuable. The West appears to imagine that the timber and stone act, and not this law of commerce, is its real boon.

Mr. BURNETT. What was the purpose of the passage of it, Mr. Volstead, in the first instance?

Mr. VOLSTEAD. Well, I was not here, and I do not know that it makes much of any difference.

The CHAIRMAN. Are you through, Mr. Volstead?

Mr. VOLSTEAD. Yes, sir.

STATEMENT OF HON. JOHN F. LACEY, REPRESENTATIVE FROM IOWA.

The CHAIRMAN (Mr. Lacey). In answer to the very pertinent question of the gentleman from Alabama (Mr. Burnett), I will say that when this law was passed in 1878 the preemption law was enforced, and anybody could preempt a quarter section of land and pay for it at \$1.25 per acre and get title. This timber and stone law was not passed for the purpose of enlarging the means of getting land from the Government, but for the purpose of restricting the means; and the price on this class of lands, being chiefly valuable for timber and

unfitted for cultivation, was raised to \$2.50 an acre. So that, to look at it now, we would think, perhaps, this was passed as a means of getting land, when as a matter of fact it was originally passed as a restriction. Now afterwards the preemption law was repealed, and the timber-culture law was repealed; and as the public domain grew more restricted there has been a tendency to repeal rather than to enlarge the means of getting land, outside of the homestead law.

Now I shall vote for this proposition, and I shall simply say in a few words why I shall do so. The land that is embraced in this law is land that is chiefly valuable for timber and stone, but practically only valuable for timber and stone, because it must be unfit for cultivation. There is a proposition now pending before Congress—and I am not sure but that the bill is on the calendar—to expend \$5,000,000 and go down to North Carolina and buy back this very kind of land, and get title again, in order that the Government may have it reforested. The proposition now is covering land only of that kind that is unfit for cultivation.

The only doubt I have ever had about this bill has been as to whether or not, by reason of the peculiar situation in States like Arkansas, and Wyoming, and Colorado—the value of the timber being comparatively slight, and yet when acquired it may be acquired for pasturage as well as for the timber that is on it—whether or not under this law we would not be passing a law that would interfere to some extent with the privileges and with the growth of those particular States, or States situated like them, without accomplishing the real results we have in view. But I find that the gentlemen from the States where the complaint is made of the abuse of this law are just as zealous against its repeal as are those from Wyoming, and Colorado, and other States where I can not say the existing law is doing any harm.

Mr. NEEDHAM. That is not true of all the States.

The CHAIRMAN. I think most of the California members are against the repeal. The Oregon members are all against the repeal. I understand the Washington members are against it.

Mr. BURNETT. Mr. Jones told me he was very much adverse to it.

The CHAIRMAN. And the gentleman from Idaho has so expressed himself, but the gentleman from Montana has thus far withheld his views.

Mr. DIXON. I will tell you in a minute.

The CHAIRMAN. It is true that in those localities where the timber is heavy they are just as anxious to prevent the repeal as they are in localities like that represented by my friend, Mr. Mondell, from Wyoming. But suppose we repeal it and it does not work well; the timber will remain there. This law has been in force only twenty-six years. A further restriction now, to limit the sale of the timber only, would be only an enlargement—an additional restriction, and if it does not work well it can be changed. And in the meantime the timber will be there.

Mr. BURNETT. But the rights acquired in the meantime will be vested.

Mr. LIND. Not under this bill.

The CHAIRMAN. The vested rights can not be interfered with.

Mr. LIND. Not a vested right; but suppose a man has observed all the preliminary requirements and advertised to make final proof in May, and this bill should become a law next week or the following

week; he would be cut off. I am going to make a very brief statement at some time.

The CHAIRMAN. Section 3 of the bill simply repeals the law: "No lands valuable chiefly for timber shall hereafter be patented under the commutation provisions of the homestead laws."

Mr. MARTIN. There is no clause in there protecting the rights of men who have already gone into those lands and made application.

The CHAIRMAN. There is nothing, I see.

Mr. LIND. There is another objection to the bill that I want to call attention to.

The CHAIRMAN. Do you wish to make a statement now?

Mr. LIND. Yes, very brief.

The CHAIRMAN. I am through now, Mr. Reporter. That is all I have to say, except that I shall insert a table showing lands disposed of during the last fiscal year; also a copy of the bill under consideration, and some letters.

*

Statement showing the number of entries made and acres embraced thereby of the various classes of land specified below during the fiscal year ended June 30, 1903.

State or Territory.	Commuted the same year.	Original homesteads.		Final homesteads.		Original desert.		Final desert.		Timber and stone.	
		Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama	86	1,187	114,461.89	819	85,583.34						
Alaska		30	1,202.84	30	1,202.84						
Arizona	62	465	66,636.37	171	24,202.89	28	5,159.29	38	5,159.66		
Arkansas	188	3,269	362,456.21	1,852	215,107.50					109	12,099.67
California	105	2,043	300,968.96	887	121,962.36	411	77,570.21	45	6,981.80	1,861	287,578.72
Colorado	175	3,619	542,245.83	806	116,289.97	406	72,074.44	55	8,582.13	1,309	39,691.18
Florida	64	971	121,239.35	471	56,048.74					2	247.51
Idaho	214	2,550	337,376.30	1,333	189,614.11	520	74,239.83	179	26,767.33	1,293	190,798.36
Illinois		1	89.15	1	120.00						
Indiana		2	13.05	2	49.20						
Iowa		9	534.61	8	547.52						
Kansas	58	1,274	191,045.92	291	43,670.29						
Louisiana	300	1,660	148,026.21	961	105,299.53					237	29,483.26
Michigan	82	440	41,309.08	155	16,095.78					214	17,760.00
Minnesota	803	4,575	558,270.16	2,373	291,357.64					1,096	147,765.38
Mississippi	81	1,212	112,954.69	461	47,963.95						
Missouri	2	805	71,740.67	1,021	103,057.22						
Montana	387	2,691	388,554.94	1,097	157,060.64	2,300	416,214.16	885	146,479.27	375	51,097.16
Nebraska	540	3,345	491,706.57	817	119,992.85						
Nevada	6	62	9,347.14	3	480.00	34	6,902.00	40	6,568.89	1	160.00
New Mexico	124	3,358	516,831.31	465	67,633.21	418	76,541.97				
North Dakota	5,180	16,942	2,545,082.46	3,470	580,448.11	128	21,589.75	9	1,599.69	2	150.20
Oklahoma	3,817	10,768	1,534,306.27	4,318	649,761.03						
Oregon	797	5,557	832,473.29	807	118,497.04						
South Dakota	858	4,831	712,710.56	1,462	216,967.01	381	66,529.28	58	8,301.32	4,209	645,578.76
Utah	1	124	19,930.91	249	37,126.42	119	22,738.18	3	400.00	22	2,147.97
Washington	913	5,479	799,971.61	980	133,626.52	25	2,860.35	18	2,932.31		
Wisconsin	114	1,129	105,176.05	675	66,361.59	341	56,509.57	10	2,186.95	2,076	297,604.31
Wyoming	154	1,790	264,854.83	488	62,916.84	792	126,896.74	267	48,574.27	885	84,891.76
Total	15,112	80,188	11,198,120.25	26,373	3,576,964.14	5,903	1,025,825.77	1,552	264,533.62	12,249	1,765,222.43

Total homestead entries year ending June 30, 1902.....

Total homestead commutations June 30, 1902, qualifying acts.....

Total homestead, 1901 to July 30, 68,648 qualifying commutations.

Total commutations, 1901 to July 30, 4,338 qualifying commutations.

a Including Kiowa and Comanche about 13,000 $\frac{1}{2}$ sections, some filed and refilled on two or more times.

a 98,829
6,907

[S. 5054. Fifty-eighth Congress, second session.]

AN ACT to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 That it shall be lawful for the Secretary of the Interior to sell
 4 to the highest bidder, at public outcry or otherwise, under such
 5 rules and regulations and subject to such conditions and restric-
 6 tions and in such quantities as he may prescribe, the right to
 7 cut and remove, within such period of time as he may fix, any
 8 timber from any unappropriated, nonmineral, surveyed public
 9 lands, after first having had such timber duly appraised and
 10 after giving public notice of the time, terms, manner, and
 11 place of such sale.

12 Sec. 2. That the Secretary of the Interior shall have
 13 power and authority to reject any and all bids offered at any
 14 such sale; and that it shall be unlawful for any purchaser at
 1 such sale to sell, transfer, assign, or in any manner alienate
 2 the rights secured by him under this Act, except as author-
 3 ized by said Secretary.

4 Sec. 3. That the Act entitled "An Act for the sale of
 5 timber lands in the States of California, Oregon, Nevada, and
 6 in Washington Territory," approved June third, eighteen hun-
 7 dred and seventy-eight, and all Acts amendatory thereof, be,
 8 and the same are hereby, repealed, and no lands valuable
 9 chiefly for timber shall hereafter be patented under the com-
 10 mutation provisions of the homestead laws.

11 Sec. 4. That any person who violates or attempts to
 12 violate any of the provisions of this Act, or any regulation or
 13 requirement prescribed pursuant thereto, shall forfeit to the
 14 United States all benefits conferred by this Act and all moneys
 15 paid by him thereunder; and any right to cut and remove
 16 timber thereunder which he may then hold shall be canceled
 17 and revoked.

18 Sec. 5. That all moneys received from the sale and dis-
 19 posal of the rights to cut and remove timber on public lands
 20 in Arizona, California, Colorado, Idaho, Kansas, Montana,
 21 Nebraska, Nevada, New Mexico, North Dakota, Oklahoma,
 22 Oregon, South Dakota, Utah, Washington, and Wyoming, as
 23 provided in section one of this Act, shall be, and the same
 24 are hereby, reserved, set aside, appropriated, and constituted a
 25 part of the reclamation fund created by the Act entitled "An
 1 Act appropriating the receipts from the sale and disposal of
 2 public lands in certain States and Territories to the construc-
 3 tion of irrigation works for the reclamation of arid lands,"
 4 approved June seventeenth, nineteen hundred and two, to be
 5 used and expended as provided by that Act.

DEPARTMENT OF THE INTERIOR,
 GENERAL LAND OFFICE,
 Washington, D. C., December 31, 1903.

Hon. JOHN F. LACEY,
Chairman Committee on Public Lands, House of Representatives.

SIR: In reply to your personal inquiry, I have the honor to state that the number of homestead entries commuted to cash in the following States, within the primary limits of the Northern Pacific Railway Company, from July 1, 1901, to June 30, 1903, inclusive, were:

North Dakota.....	134
Montana.....	119
Idaho.....	63
Washington.....	621
Oregon.....	48
Total.....	985

Very respectfully,

J. H. FIMPLE, *Assistant Commissioner.*

NORTHERN PACIFIC RAILWAY COMPANY,
OFFICE OF LAND COMMISSIONER,
St. Paul, Minn., December 22, 1903.

HON. JOHN F. LACEY,
House of Representatives, Washington, D. C.

DEAR MR. LACEY: Replying to your letter of December 16, asking for the quantity of lands sold by this company during the past two fiscal years, I have to say that for the year ending June 30, 1902, total number of acres sold was 4,380,998.03 acres; for the year ending June 30, 1903, 3,469,492.18 acres.

If anything further in this line is desired, please command me and I will be glad to respond.

Yours, truly,

WM. H. PHIPPS, *Land Commissioner.*

SANTA FE PACIFIC DEVELOPMENT COMPANY,
Topeka, Kans., December 19, 1903.

HON. JOHN F. LACEY, *Washington, D. C.*

DEAR SIR: I beg leave to acknowledge receipt of your esteemed favor of December 16. For the last two years our sales of land-grant lands, outside of making exchanges in the forest reserves, would not equal a thousand acres. The amount of land-grant lands that we have sold from the forest reserves you can ascertain from the Commissioner of the General Land Office. If you desire, I will give you the specific tracts that we have sold, but I am certain they will not equal a thousand acres.

Very truly,

HOWEL JONES, *Vice-President.*

UNION PACIFIC RAILROAD COMPANY,
Omaha, Nebr., February 8, 1904.

HON. JOHN F. LACEY,
House of Representatives, Washington, D. C.

DEAR SIR: Your favor of December 16 reached me in due season, but, from various causes, my reply has been unavoidably delayed.

The Union Pacific land grant occupies the territory shown upon the accompanying map, the red shading indicating the remaining unsold portion of the grant. Our sales during the past two years and a half have been principally east of Rawlins, Wyo., and within and immediately adjacent to the areas so shown, comparatively little land having been sold within that period west of Rawlins.

The total sales of granted lands for the year ending June 30, 1902, were 1,259,615.75 acres.

The total sales of granted lands for the year ending June 30, 1903, were 843,232.87 acres.

The total sales of granted lands for the six months ending December 31, 1903, were 684,282.39 acres.

We have never considered our business as being in any way competitive with the disposition of land by the General Government. Within that portion of the land grant wherein are situated lands, of which an area of 160 acres is ample to support a family under general farming, it has been the history that the public lands have been taken up coincidentally with, or somewhat in advance of, the sale of the railroad lands. As a matter of fact, it is greatly to the company's benefit, both from a traffic and land standpoint, that the Government lands should be entered while the railroad lands are selling, because the appropriation of public lands should also mean settlement thereon, and the consequent upgrowth, improvement, and development of the district, resulting in the greater production of supplies for transportation, and the increase in land values.

You will doubtless recognize the fact that the red areas on the accompanying map are almost wholly within the grazing districts and not within the districts wherein successful farming can be carried on upon 160 acres of land. I am prepared to assert positively that if, during the past ten years, settlers could have been placed upon the public lands of the United States within those areas under the proper kind of a homestead law, every acre of the railroad lands within those districts would long since have been sold. I am further prepared to assert positively that if the homestead law had been based upon a measure of equality of support, rather than a measure of equality of area, the public lands within those areas would to-day be occupied by

bona fide settlers, and the traffic of the railroad company and the salability of its lands would be very greatly increased.

In this connection I might say that the fact that the public-land laws have not been of a character to induce legitimate settlement and appropriation of the lands has operated very greatly to the embarrassment of the States through which the Union Pacific Railroad runs, in the handling and disposition of the lands granted to the various States for educational and other purposes. The States have been unable to secure the revenue from their lands which would have resulted had the public-land laws been more favorable to settlers.

Yours truly,

B. A. McALLESTER,
Land Commissioner.

(A map was attached to this letter.)

STATEMENT OF HON. JOHN LIND, REPRESENTATIVE FROM MINNESOTA.

Mr. LIND. I am in hearty accord with the sentiments expressed by the chairman, generally speaking; yet at the same time this is an exceedingly important bill, and when you do pass a bill on the subject it ought to be one that is well considered and one that will meet the exigencies of the situation.

Now, in the first place, I am opposed to the scheme in section 1. I think the sale of lands, or rather of timber, ought to be limited to a reasonable quantity, say, not to exceed one section to any firm or corporation.

Mr. BURNETT. Or individual?

Mr. LIND. Yes; or individual. Instead of being sold in unlimited quantities. I think, if it is exclusively timber land, that it ought to be leased for a period of fifteen to twenty-five years.

Mr. NEEDHAM. This allows you to sell the timber, not the land.

Mr. LIND. Oh, well; it should be, however, in the form of a lease for the purpose of taking off the timber.

Mr. VOLSTEAD. You could sell just a certain amount.

Mr. LIND. You see, there is now no limitation on the quantity that may be sold. All the timber in a valley may be sold to one individual and one concern; and I certainly object to that. That would fasten upon our public-land laws larger means of monopoly than we have now, either under the timber act or under the script act. But that could be amended.

Then there is the second proposition that I want to call the attention of the committee to, and that is this: Under the provisions of this bill there is no guide for determining what is timbered or nontimbered lands. If this should become a law in its present form, it would probably result in the withdrawal of all the public lands in the northern part of our State from settlement. We ought at least, when we pass a law of this character, to require the surveyors to return an approximate estimate of the timber on each particular Governmental subdivision—each forty acres of land. On a tract, if the amount of timber exceeds a certain quantity, say 10,000 feet to the minimum subdivision, it should be regarded as timbered land within this law. This is suggested, of course, simply for illustration, and is tentative. If it fell below that, it should not be regarded as timbered lands and should not be withdrawn from settlement.

Now we can not afford, it seems to me, at the closing days of a session to pass a law so loosely drawn that it would necessarily and inevitably result in the withdrawal of all the lands in the western and north-

western public land region if these particular lands had a growing pine tree on them. As I understand it, the surveyors now are required to classify lands as to the first, second, third, and fourth classes. There is no reason why they should not add to that a classification as to timber and nontimber within the meaning of this, and Congress ought to fix the standard to determine whether it shall be returned as timbered or nontimbered lands.

Mr. NEEDHAM. Do not the regulations of the Department now do that?

Mr. LIND. I do not so understand it.

Mr. BURNETT. Has there been a survey fixing the particular lands and the number of acres, and all that, or is it a question of proof?

Mr. LIND. It is a question of proof. We can not find a field note on a plat in the General Land Office that indicates the timbered character of the land with sufficient accuracy and certainty to afford a guide on the point I have suggested.

Mr. MONDELL. May I make a statement there?

Mr. LIND. Yes.

Mr. MONDELL. Having had some experience with surveys, and otherwise, I want to say there is nothing in the present surveying instructions that calls upon the surveyors to make any statement with regard to the general character of the land, as to its being timbered or nontimbered. Their instructions are to give the character of the line over which the land runs, for the purpose of determining whether they shall receive the maximum rate.

Mr. LIND. Also with reference to it being swamp or nonswamp land, and also they are required in general terms to class it with reference to its general agricultural possibilities—whether agricultural land of the first, second, third, or fourth class. But there is no regulation requiring any estimate or return with reference to growing timber, and I repeat the statement, because I know it is true that you can not go to the General Land Office and find a plat to-day of any public survey that indicates whether there is a million feet of growing timber or 10,000 feet on a certain tract, and under those circumstances it would play havoc in the northern part of our State to pass this bill.

The CHAIRMAN. What method would you suggest to meet that difficulty?

Mr. LIND. I would suggest, tentatively, that it shall be the duty of the surveyor employed in making public surveys to return estimates of the amount of growing timber on each Government subdivision.

Mr. VOLSTEAD. Is it not a fact, though, Governor, that the business of making estimates as to timber is a special business, and takes an expert, so a surveyor would not ordinarily be in a position to make the estimate?

Mr. LIND. Let the Government employ an expert to follow the survey.

Let me finish my statement in answer to the chairman's question. If the return of the surveyor shows that the land has less than the amount fixed upon by this committee as the minimum, then it should be deemed as nontimbered land. I should say 10,000 feet.

The CHAIRMAN. Practically all the land on which this question arises has been surveyed.

Mr. BURNETT. Has it been classified?

The CHAIRMAN. No.

Mr. LIND. Then I would limit the operation of this act to unsurveyed lands.

The CHAIRMAN. Under the timber and stone act they can not take unsurveyed lands, anyhow.

Mr. LIND. But it would apply to surveyed lands as they come in.

The CHAIRMAN. But there are many millions of acres of land that are now being taken, and they can not be taken until they are surveyed, consequently this would require some method of reclassification. It is too late now to carry out your suggestion unless you have a resurvey throughout the United States.

Mr. LIND. This is not a theory. It is a fact. It will result in our State in withdrawing from settlement all the lands in three counties—public lands—inevitably, because you can not find a quarter section up there that has not some timber on it.

Mr. NEEDHAM. But can not that all be practically cultivated—in northern Minnesota?

Mr. LIND. No; not by any means.

The CHAIRMAN. All your land left there is practically timber and stone?

Mr. LIND. Timber and stone and swamp. Of course, there are fairly good patches of agricultural land here and there.

Now, with these three amendments—first, limiting the quantities that may be sold or leased to any individual under the provisions of the first section; second, preserving rights already initiated, and, third, providing a definite and certain method of segregating timbered and nontimbered lands—with these three amendments added I would be very glad to vote and work for the passage of the bill. Without those changes I shall certainly oppose it.

Mr. KNOFF. Would it pay a man to go up there and put up a claim for a quarter section.

Mr. LIND. Yes; in some places it would, and in some places it would not. Of course, in our State it would pay a logger to put in a logging camp, and drive and sell the logs; but in the West it will pay well to put in a mill in the heavy timber, and two or three little fellows could join together and put in a mill.

Mr. KNOFF. I can see your object, Governor—to prevent a man from going in and gobbling up the whole thing.

Mr. MARTIN. I would like to ask how much the settler or homesteader in the vicinity of those timber lands, sold in your State recently, got from that sale and how much land was got from that individual?

Mr. LIND. Absolutely nothing. I want to say to the committee on that point: Under a provision identical with section 1 of this bill sales were made on the pine lands of the Chippewa Reservation in our State last fall, and the sales were made to only three concerns, already the owners of millions and millions of acres.

Mr. MARTIN. It was under a section practically like this?

Mr. LIND. Identical with this.

Mr. VOLSTEAD. I think you are right; there ought to be a limitation. I fully agree with that view of it.

The CHAIRMAN. Whatever we do, gentlemen, I do not think it is so close to adjournment that we out to hurry unduly. Owing to the fact that this bill was prepared by the Land Commission and that it was examined and passed in the Senate and has attracted public attention as it has I think the committee would be placed in a false light to the

country if we did not dispose of it one way or the other. If it is thought that it ought to pass, let us pass it; if not, let us not report it.

Mr. McCARTHY. Mr. Chairman, suppose it would be reported from this committee in an imperfect condition, it should be amended afterwards?

Mr. LIND. We ought to put it in shape here.

The CHAIRMAN. Does anyone else want to make a statement?

STATEMENT OF HON. GEORGE SHIRAS, REPRESENTATIVE FROM PENNSYLVANIA.

Mr. Chairman, I desire briefly to give a few reasons for my prospective vote on the bill proposing the repeal of the timber and stone act and the accompanying substitute.

Long before becoming a member of this committee and later in the preliminary discussions on these measures, I favored the repeal of this act. After a final consideration of the questions involved, giving due attention to the conflicting positions of those addressing the committee, and a full consideration to the documentary statements with which we have been so liberally supplied, I find myself in this position: That while opposed to abuses of the present act and believing that it often permits the sale of valuable timber land at an inadequate price and to persons who at the time are not bona fide purchasers, I believe that the real defects in the original act can be fully cured by amendments.

On the other hand, the proposed substitute is apparently objectionable in many respects. Personally, I never believe in the repeal of a comparatively old act if the objectionable elements in it can be remedied by amendments, or if the act to be substituted contains objectionable features, or, at the best, doubtful benefits. I would favor amending the original act so that public lands chiefly valuable for timber should be classified; and instead of permitting its sale at the fixed and necessarily arbitrary price of \$2.50 per acre, such timber acreage should be classified according to its location, area, and the kind and quality of timber thereon, with a minimum of \$2.50 per acre and the maximum of, say, \$10 per acre. I would also insert a new provision, making it a misdemeanor for anyone to take up a timber or stone claim for the use or benefit of a concealed principal, and make this provision so drastic as to prevent such fraudulent entries.

These changes, in my judgment, would terminate improvident sales of the best timber land and in its alleged monopoly by timber speculators, which apparently are the main objections to the present act. The substitute bill, which it is proposed to enact after the repeal of the timber and stone act, may be all right, as its sponsors claim, but it strikes me very differently; not because I find it necessary to deny the prediction that it will net a greater revenue to the country, but because, even conceding this, such a measure ignores the primary rights of the timber States and the citizens thereof to the first benefits arising from the sale and use of such timber, consistent with the realization of a fair monetary value by the Government.

Our Eastern and Middle States, in their early development, received liberal treatment in this respect, and I for one can not see my way clear to gauge such a question on a purely commercial basis, even though I represent a State which is now in no way affected by the

present measure. The idea of striking down the small local purchasers, already restricted in the acreage they can acquire, and opening the door to the sale of this timber en bloc by the millions of acres to wealthy individuals, or timber syndicates, is not an attractive proposition. On the other hand, where the land is sparsely timbered, and only valuable in realty to settlers adjacent thereto for use on a farm or ranch the expense and delay in carrying on distant negotiations with the Department in Washington is a serious question; especially as this Department will probably incline toward the sale of timber in large blocks only, and will discourage small fractional purchasers in the belief that such small sales might lessen the value of the remaining area. By classifying these timber tracts, according to their value, the present act will be an equitable one. If the Secretary of the Interior has reason to believe that there really remains compact areas of valuable timber land (which may be the case on the Pacific slope) then it is his duty to advise the President to include such tracts in a forest reserve, where the present and future utilization can be more surely accomplished.

I shall, therefore, vote against the present consideration of the repeal of the timber and stone act, not only because in the closing hours of the session such an important measure can receive but scant consideration, but because I believe that in the fall session the act can be so amended in committee as to fully remedy its defects, and at the same time avoid the "commercialism" so apparent in the substitute act which will ignore the wishes and best interests of the timber States and create the Interior Department a vast real estate agency, where "the highest bid for the largest tract" and not the welfare of the Western States would necessarily determine the action of the Department chief.

The protests of the leading citizens and Congressmen from these States should be carefully considered, and in view of the fact that the inhabitants of the Eastern and Middle States acquired their timber rights under much more liberal laws it does not lie in our mouths now to demand harsh legislation against these new communities which, while doubtless willing to pay the full value for timber rights, object to a proposed system of timber sales which are not only burdensome and vexatious, but directly favoring monopolies, besides hampering local enterprises and the proper development of these western communities.

STATEMENT OF HON. EBEN W. MARTIN, REPRESENTATIVE FROM SOUTH DAKOTA.

Mr. MARTIN. The timber and stone lands in our State are practically now all in what is known as the Black Hills Forest Reserve. I am, therefore, not directly interested in this legislation, so far as my State is concerned. We have no public lands that can be reached by this law or any amendment to it.

I have lived in that country for more than a quarter of a century, and I think I understand the conditions there pretty well. It is a matter of prime importance to preserve the timber which the Government now owns for the use of this and of subsequent generations, and I believe that our forest-reserve system, properly administered, is the best way to accomplish that.

The President of the United States, on the suggestion of the Secretary of the Interior, has already reserved vast areas of these timber

lands, and he has full authority to reserve all others that may be reserved, with the future generations in view, for timber and water supply; and if there are large areas of these timber lands that can be taken under this timber and stone act they ought to be reserved from sale. Our Black Hills Forest Reserve is operated as I think all ought to be operated—on the principle of disposing of the mature timber as we dispose of any other crop raised from the soil, and preserving the young timber until it grows to maturity.

That is the solution of this whole matter, and I think that the impression abroad—that there are now these areas of unreserved forest lands that are likely to be improperly disposed of under this timber and stone act—is very much magnified and exaggerated. I think the Secretary of the Interior and the President are alive to the necessity of the preservation of this timber, and are preserving it; and the remaining lands to which this law is applicable are lands that are stony and not fit for anything besides timber, and of no great value for timber.

I would much prefer the repeal of this timber and stone act by itself than through the bill here before us. It seems to me that in some respects this bill would be very vexatious indeed in its operation. There is no limitation on the quantity which the Secretary of the Interior can dispose of—an important subject of legislation for the Interior Department to legislate on. I think we ought to thresh out this subject with thoroughness, and place such limitations around this legislation that the lands which still remain shall not go into the hands of a monopoly. The gentleman from Minnesota knows what became of the timber sold up there in Minnesota under the same act. It simply went into the hands of two or three large concerns.

The question of who shall get the remaining timber that we have to dispose of is a question of more importance than how much money the Government will get out of it. This timber should be sold for the encouragement of the settlement of those States and Territories not now settled; and some sort of a law which will permit a man to go upon an untimbered quarter section of land ought to be passed, to enable him to purchase somewhere in the closest vicinity a piece of timber land for the supply of himself and his family with fuel, so that he can afford to settle upon and develop the unreclaimed portion of our States and Territories. And that is a vastly more important question than whether the Government shall get one or two or ten dollars an acre for the timber, or whether it shall get anything at all.

We are up against the same question practically which we were up against when Mr. Grow, of Pennsylvania, in 1862, succeeded in passing the homestead act. We had the great civil war on our hands at that time, and one wing of the dominant party was urging that we sell the public lands to the highest bidder in order to get a fund with which to carry on the war, and the other wing contended that the main idea in view in the disposal of public lands should be to procure settlement by home seekers. The latter view prevailed. Those lands thus sold under the homestead act were far more important agencies for the development and civilization of those sections than the money would have been, however much in need of money the country was at that time. We therefore adopted the free-homestead law.

I do not recommend the adoption of a free-timber law, but I do recommend the adoption of some law that will encourage the develop-

ment of timber in those particular regions. I think this act that we are asked here to pass is in its present form so incomplete and inadequate in its safeguards that it would be a very pernicious act indeed to pass into legislation.

Mr. KNOFF. Can the gentleman not trust the Secretary of the Interior?

Mr. MARTIN. I would not trust the Secretary of the Interior or any other executive officer to do the legislating. We should legislate, and not leave anybody else to legislate for us. The Secretary of the Interior is merely human. Say we pass this bill without limitation as to whom he shall sell the timber to?

Mr. LIND. Would the gentleman be willing to leave the area that might be entered as a homestead to the discretion of the Secretary?

Mr. MARTIN. He might just as well have that discretion as what is proposed here. The Secretary of the Interior is just one individual. He has under him hundreds and thousands of men. If you pass this kind of a law he is going to be importuned by large and small concerns who want to purchase particular tracts of timber. Somebody in his office must attend to it. Somebody must determine at what price it shall be sold and to whom it shall be sold. It will be sold to the highest bidder, and it will bring more money in large tracts than in small, and it will be sold under this law just as the Minnesota timber lands were sold, to large concerns, who can bid higher than a poor settler, struggling for existence. And I say again, the settler and his home in the future is a matter vastly more important to the immediate neighborhood and to the entire United States than is the question of whether or not the Government shall get a little more for that timber.

Mr. NEEDHAM. I want to make a brief statement.

The CHAIRMAN. Mr. Needham.

STATEMENT OF HON. JAMES C. NEEDHAM, REPRESENTATIVE FROM CALIFORNIA.

Mr. NEEDHAM. I want to make a brief statement of why I shall vote for this bill. I think it is a step in the right direction. Although it is not perfect in all its details, it is infinitely better than the law as it now stands.

I think we ought to keep clearly in view the fact of the difference between the timber and the land on which the timber stands. Most of the discussion here has gone upon the theory that we are dealing with land only. I look upon timber purely as a commercial commodity and hold that it is an asset of the Government. Timber of itself does not make homes, and it seems to me that the Government is justified in getting somewhere near at least what this timber, this commodity, is worth. And, as the chairman has stated, the act itself, when it was passed, was not passed for the purpose of accelerating and making easy the getting hold of timber lands. It was really a restrictive measure, and for that reason it seems to me no one will suffer by reason of the passage of the repealing act now before us. It may not be perfect, and yet it seems to me it is a step in the right direction, and we can easily amend it in the future if necessary.

Certainly my observation has led me to believe that under this act large areas have been taken up by large corporations and individuals to the detriment of the public interests. I do not think the repeal

of the law will result necessarily in a monopoly. I think we should give large discretion in a matter of this kind to the executive officers. I think their rules and regulations will be such as to prohibit any abuse. Public sentiment will not permit the Secretary of the Interior to make rules and regulations that will be subject to abuse for any length of time.

**STATEMENT OF HON. JOHN L. BURNETT, REPRESENTATIVE
FROM ALABAMA.**

Mr. BURNETT. Mr. Chairman, I want to make a statement. I desire to state that I shall vote against the report of this bill, mainly because I do not know a blessed thing about it, and in the next place there must have been some good reasons why the original act was passed to have warranted its passage, and I see no good reasons advanced why it ought to be changed. If the purpose of this amendment was to throw all this land open to entry under the homestead laws, to homesteaders, I should favor something of this kind; or if the land should be sold for the purpose of aiding the public schools of the States, I should favor it. But I see no good reason why, and under those circumstances I will record my vote against it.

The CHAIRMAN. I want to add to what I already stated about this bill passing in 1878. When it passed it applied only to California, Nevada, Oregon, and Washington Territory. In 1892—twelve years ago—it was enlarged to include the other public land States, so that the law has been in force only twelve years.

**STATEMENT OF HON. FRANK W. MONDELL, REPRESENTATIVE
FROM WYOMING.**

Mr. MONDELL. Mr. Chairman, the committee has been very kind to me, and therefore I am not disposed to take up much time. Mr. Dixon has asked for leave to submit a brief statement, and he has been sent for.

In the meantime I want to say that I agree very largely with what the gentlemen from North and South Dakota have said. We already have a forest reserve authority under which the President of the United States may reserve forests necessary for the preservation of the timber supply and the conservation of the water supply. Under that policy the President of the United States has already embraced in the forest reserves an area as large as the States of Ohio, Indiana, and Illinois. There has been withdrawn now, pending further investigations with a view to creating forest reserves, an area as large as Kentucky and Tennessee. Most of that land will probably be placed in forest reserves. The Western country is now covered with agents who are operating and investigating for the purpose of including in forest reserves other areas necessary for that purpose. In view of this, under the law which makes a reservation definite, within definite lines, and within which areas the timber is preserved and the water supply conserved, there is no reason why this timber section of the country, necessary to maintain a timber and water supply, should not be taken care of under the forest reserve law.

But so far as detached areas are concerned throughout the country, of little value for timber and little value for pasture, I think that

should, in accordance with the uniform policy of the past, pass into private ownership. I think there are very few areas in the country where there is really valuable timber for sale under this law; and if there be such, the Secretary of the Interior has authority to withdraw it. The balance of the sparsely timbered tracts of the country should pass into the hands of private owners.

I see Mr. Dixon has returned.

The CHAIRMAN. Now, Mr. Dixon.

**STATEMENT OF HON. JOSEPH M. DIXON, REPRESENTATIVE
FROM MONTANA.**

Mr. DIXON. I want to say, briefly, that I realize that there have been some abuses under the present timber and stone act, but not to any such extent as we have heard from different parties appearing before this committee and from other sources.

If some way could be devised to correct these abuses and still retain the timber and stone act for the benefit of the States where these abuses have not occurred, and can not occur in the future, I should be in favor of such a proposition. But as the bill now stands I think it would be almost fatal to the future development of my own State of Montana to have it enacted. In my State practically all of the valuable timber has been withdrawn from settlement and from entry by reason of having already been set aside either in permanent or in temporary forest reserves. The report from the Land Office shows that last year we had only a little over 300 timber and stone entries in the whole State of Montana.

The lands there now, and which in the future will be open to entry under this act, are practically the odds and ends scattered through various parts of the State. The settlers in that country and in the mining camps must have timber, and the settlers must have timber for domestic use and for use in the mines. If this bill passes as it now stands, without being safeguarded with proper amendments, I think in its actual operations it will mean that the people of my State will have to come to Washington, to the Department, to buy their firewood, their timber for domestic uses, and timber for use in mines.

Mr. VOLSTEAD. Don't be so pessimistic.

Mr. MONDELL. And you will have a hard time getting it, judging from your past experience.

Mr. DIXON. Yes; and judging from our experience with the gentlemen who have charge of the office, and the amount of red tape that is employed in that office, even in getting a small quantity of timber from the forest reserves, it would be almost prohibition so far as the local uses are concerned.

Mr. KNOFF. Can not your mining people buy the timber there? They have been in the habit of stealing it heretofore.

Mr. DIXON. I will answer my friend from Illinois. The people of my country, in order to live, have simply got to have timber. Under a former Commissioner of the General Land Office some years ago, who based his reasoning upon the assumed condition that all the people in the West were inclined to be dishonest—when the Government refused to make certain surveys for lands, I know that near my own town, where they had shut off further surveys of the public lands, and the people were in actual want for timber for firewood and for

domestic purposes, it resulted in practically the confiscation of the timber—either that or freezing to death. And that was followed up by numerous prosecutions for appropriating Government timber without due process of law.

Mr. McCARTHY. They were all acquitted, were they not?

Mr. DIXON. Yes, sir. Another serious objection to the present bill is this: I apprehend there are pending in the General Land Office now timber and stone entries probably two years old, where the men have paid their money for that time, and made the entries in good faith, and patents have not been issued. I know of dozens of instances in my own county where this is the case; and if this law does not include a saving clause regarding these men who entered this land months ago, it seems practically a confiscation of what they believe at this time to be their own property.

As the matter now stands, I think we would be in worse condition, so far as practical purposes are concerned in the West, with the law repealed than with the law on the statute books, even subject to the abuses complained of; and as the matter now stands, representing my own State, I am certainly vehemently opposed to the passage of this bill in its present form.

The CHAIRMAN. Are there any amendments offered?

Mr. BURNETT. Would not the substitute cure it?

Mr. MONDELL. It seems to me that the hour is so late that even the suggestion that the bill might possibly be modified is inopportune, and that it could not be carried out at this time. The vote should, accordingly, be on the bill as it stands.

Mr. McCARTHY. Could not this bill be amended so as to apply to those sections of the country where the abuses under the law have occurred, and omit those States where it is operating to good advantage?

Mr. RUCKER. Would not that merely have a tendency to shift the scene of abuses from one part of the country to another?

Mr. NEEDHAM. I move that the chairman be authorized to favorably report the Senate bill 5054.

The CHAIRMAN. The question is on the motion of the gentleman from California.

Mr. LIND. I want to offer an amendment, Mr. Chairman, if the reporter will take this down.

Mr. SHIRAS. Is that the repealing act or the substitute?

Mr. LIND. This is Senate bill 5054 before us for consideration. In line 6 of section 1, following the word "prescribed," amend by inserting the words "not to exceed 640 acres to any person, association, or corporation."

The CHAIRMAN. Does not the other amendment necessarily go with this?

Mr. LIND. Yes. At the end of section 2, after the word "Secretary," add:

Provided, That the Secretary of the Interior shall not authorize the sale, transfer, or assignment of any such timber purchased to any person, association, or corporation owning or holding by lease or otherwise, in excess of one thousand acres of land. But purchasers of timber under this act may associate or combine their holdings for the purpose of manufacturing only, subject to the approval of the Secretary of the Interior.

Mr. MARTIN. What do you mean by "manufacturing only?"

Mr. LIND. In a case where a few persons would want to put up a mill to manufacture timber or lumber.

Mr. MARTIN. That might be construed as being for their own use only.

The CHAIRMAN. Are these two propositions offered as one amendment?

Mr. LIND. They are offered as one amendment.

Mr. MONDELL. Well, there is no special objection to those amendments. Of course it would allow the Secretary to provide in an indirect way to sell any quantity to an individual. But it is impossible at this time to perfect the bill in that way.

The CHAIRMAN. Those in favor of the adoption of Mr. Lind's amendment will say aye; those opposed, no.

Vote taken.

The CHAIRMAN. The ayes have it, and the amendment is agreed to. Are there any further amendments?

Mr. LIND. Yes; at the end of section 3. The section at present reads:

SEC. 3. That the act entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory," approved June third, eighteen hundred and seventy-eight, and all acts amendatory thereof, be, and the same are hereby, repealed, and no lands valuable chiefly for timber shall hereafter be patented under the commutation provisions of the homestead laws.

Before the word "lands," in line 8, insert:

And no lands now unsurveyed and chiefly valuable for timber shall hereafter be patented under the commutation provisions of the homestead laws.

The CHAIRMAN. I call attention to the fact that that could not be done under the homestead law. They could not patent unsurveyed lands now.

Mr. LIND. Well, then, I withdraw that, Mr. Chairman. What I wanted to get at is to save the rights of the entries already initiated under the timber and stone act.

Mr. MARTIN. Why not say at the end of section 3:

Provided, That this repeal shall in no way affect the right or opportunity of persons who, prior to the passage of this act, have taken steps initiatory to entries under the act repealed.

Mr. LIND. Can not you put it short this way?

Provided, That entries initiated under the provisions of the act may be perfected and shall be passed to patent in compliance with the provisions of said act.

Mr. MARTIN. Just put it "bona fide" before the word "entries." That should go in. Put it at the end of the section.

Mr. LIND. It should go in after the word "repeal," in line 8.

Mr. MARTIN. And put in another proviso—

The CHAIRMAN. And say "*Provided further*, That no lands available chiefly for timber, etc.?"

Mr. LIND. Yes.

The CHAIRMAN. Strike out all after the word "repeal," in line 8, and insert—

Will you please read it, Mr. Reporter?

The STENOGRAPHER (reads):

Provided, That entries initiated under the provisions of the act may be perfected and shall be passed to patent in compliance with the provisions of said act.

The CHAIRMAN (reading):

And provided further, That no lands available chiefly for timber shall hereafter be patented under the commutation provisions of the homestead laws.

All in favor of this amendment will signify their approval by saying aye; all those opposed, no.

Vote taken.

The CHAIRMAN. The ayes have it, and it is agreed to.

Mr. LIND. The next is providing for the classification of the lands as they are surveyed, as to timber, so as not to withdraw indefinitely all lands from entry.

Mr. MONDELL. What is the form of the gentleman's amendment?

Mr. LIND. I have not had time to formulate it. That would necessarily be a lengthy amendment, and would have to be drawn with a great deal of care; and probably it should be drawn with the cooperation of the Interior Department.

Mr. VOLSTEAD. Is it not a fact, Mr. Mondell, that under the homestead laws a good deal of this land could be taken without reference to that?

Mr. MONDELL. It would practically amount to a withdrawal of all those lands that have any timber on them at all. In other words, we have already 118,000,000 acres of forest reserve, and the Lord only knows how many more there would be under this law.

Mr. NEEDHAM. I call for the motion, then, that we report this bill.

Mr. MONDELL. Mr. Chairman, the hour of 12 has arrived, and the gentleman from Minnesota (Mr. Lind) has suggested an amendment that can not be formulated at this time.

The CHAIRMAN. You might, perhaps, formulate that and present it on the floor of the House, if the bill should ever reach there.

Mr. RUCKER. Mr. Chairman, I move that we suspend any further action on this matter until the first meeting in December next.

Mr. NEEDHAM. Let us call the ayes and noes on that, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri moves to postpone further action on this bill until the first meeting in December. All in favor of that motion, as their names are called will say aye; those contrary, no.

A yea-and-nay vote was taken.

The CHAIRMAN. The clerk will read.

The clerk (reading):

Mr. Lacey, nay; Mr. Mondell, yea; Mr. Miller, nay; Mr. Needham, nay; Mr. Martin, yea; Mr. Volstead (paired with Mr. Fordney); Mr. Dixon, yea; Mr. Knopf, nay; Mr. Shiras, yea; Mr. McCarthy, nay; Mr. Burnett, yea; Mr. Rucker, yea; Mr. Candler, yea; Mr. Lind, yea.

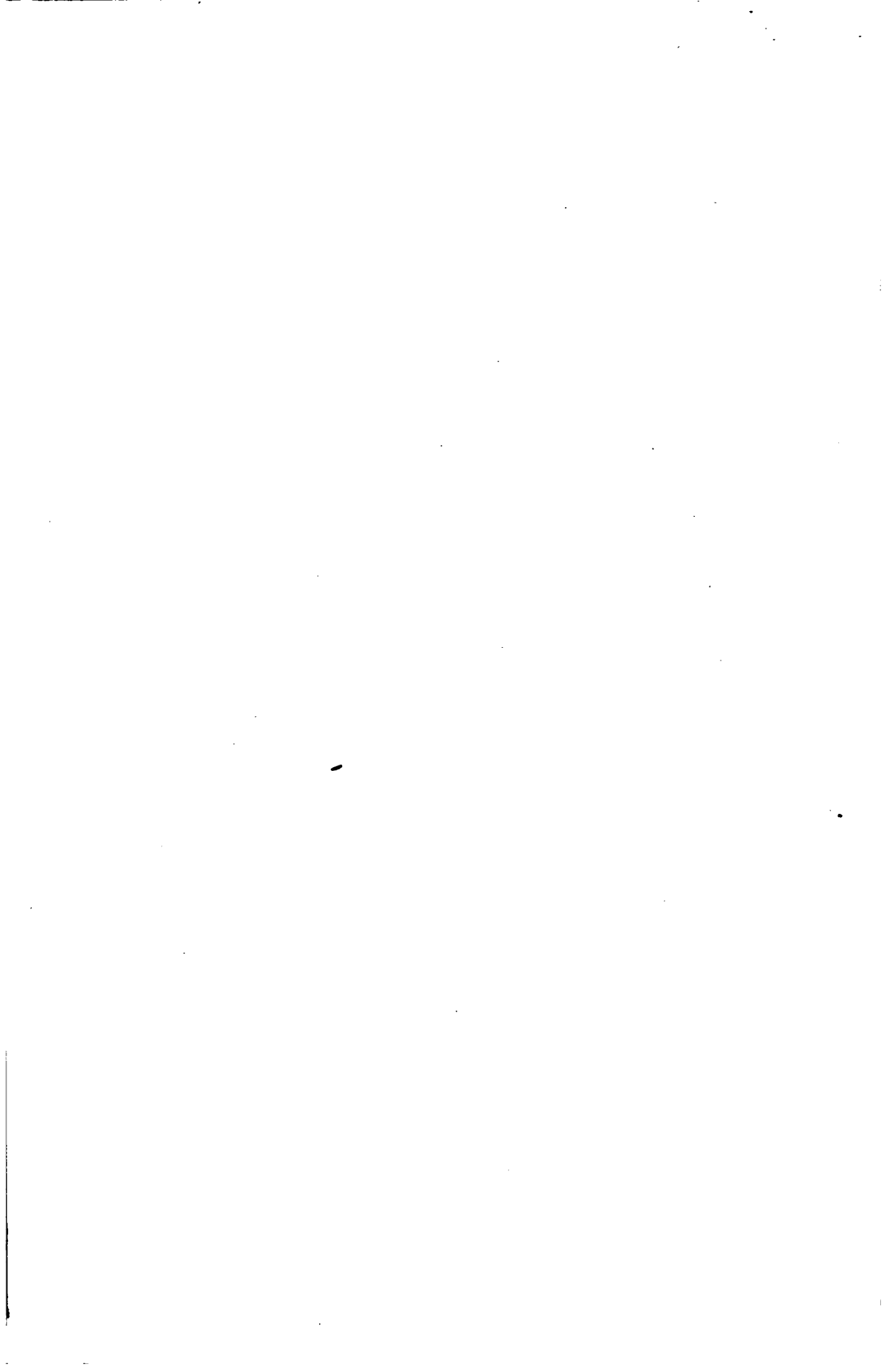
Mr. LIND. I want to say in explanation of my vote that I would rather perfect the bill now; but, without that opportunity, I will vote aye.

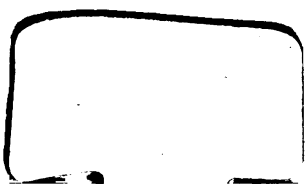
The CHAIRMAN. The vote stands 8 in the affirmative and 5 in the negative. The ayes have it, and the motion is agreed to.

Thereupon, at 12.05 o'clock p. m., the committee adjourned.

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